

## **FIRESTONE DEVELOPMENT REGULATIONS**

Town Board Resolution No. 13-22, approving amendments to the Firestone Development Regulations for Development Projects within the Town of Firestone adopted May 22<sup>nd</sup>, 2013.

### **Revisions**

Resolution No. 14-04 setting the day and hour of the regular meetings and work sessions of the Board of Trustees **adopted January 22, 2014**

Resolution No. 14-16 setting the day and hour of the regular meetings and work sessions of the Board of Trustees **adopted March 12, 2014**

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## **1.0 Introduction**

The Firestone Development Regulations (“Development Regulations”) have been adopted by the Firestone Town Board of Trustees in order to:

- provide a clear and efficient development application and review process for all land development applications;
- to assist in the implementation of the Firestone Comprehensive Plan and adhere to its goals;
- to assure that all necessary information is available to the decision making bodies;
- to assist in the orderly planning for and implementation of the Town’s growth and development policies; and
- to assist in the internal control of document records and archives.

Many aspects of the development process are addressed in these Development Regulations and the information has been presented to work in conjunction with the Town of Firestone Municipal Code and other related documents. For general reference, Title 16 Subdivision and Title 17 Zoning of the Town Code have been included in this document as Exhibits A and B, respectively. The Town Code is subject to change independently from changes to these Development Regulations so for specific information it should be referenced independently. Terms not specifically defined in this document and/or the Firestone Municipal Code are defined in Exhibit C. In the case of a conflict between this document and the Firestone Town Code, the more restrictive provision shall control.

Where appropriate, the development review and processing information specified herein has been provided in chronological order.

### **1.1 Application to Town Projects**

As a matter of public health, safety and welfare, the Town shall not be subject to the processing requirements set forth in these Regulations. However, the Town in its discretion may hold one or more public meetings or hearings to review and consider Town projects.

## **2.0 Development Application Process**

This section describes the steps necessary to process various development applications in Firestone. A simplified general reference graphic flow chart depicting the various components of the general development process for annexation, rezoning, subdivision and development in the Town of Firestone is shown in Exhibit D.

### **2.1 General Development Assistance**

The Planning Coordinator is available for general questions regarding these Regulations, general development processing questions or general information regarding the Town of Firestone. The Planning Coordinator will contact other Town Staff, such as the Town Planner or Town Engineer, for specific additional development information, if required.

### **2.2 Pre-Application Conference**

Applicants requesting annexation, initial zoning, rezoning, subdivision, site planning, planned unit development, conditional use permit, special use permits or utility plan approval are encouraged to attend a pre-application conference with the Planning Coordinator prior to making a formal request for such action. The Planning Coordinator may request that the Town Planner or the Town Engineer also attend the pre-application meeting. The Applicant is encouraged to consult with area service providers and utility companies to receive any comments they may have before the conference, as appropriate. It is recommended that the applicant prepare a sketch plan showing existing and proposed major use areas, public uses and major roadways. The sketch plan should, as appropriate, also show adjoining land uses and streets. The purpose of the pre-application conference is:

- A. To acquaint the Applicant with the Development Regulations, Design Criteria and Construction Specifications Regulations, the Town Code, and other pertinent documents.
- B. To inform the Applicant of the submittal requirements necessary for the application.
- C. To inform the Applicant of any associated fees or charges that may be associated with the application.

At the pre-application conference, the Applicant is encouraged to utilize and complete a checklist of submittal requirements shown in Exhibits R, S and U. The checklist generally specifies the list of pertinent submittal requirements appropriate for the application. Also, the Town will discuss which referral entities are required to be provided with a copy of the application.

In the case of multiple applications, which is required in many cases (such as Final Development Plan, Final Plat and Final Utility Plans) only one pre-application conference needs to be held for all applications, provided all submittals are covered at the meeting. To schedule a pre-application conference, contact the Planning Coordinator at 303-833-3291.

### **2.3 Codes, Policies and Controlling Documents**

As noted above, there are other documents related to various development processes within the Town. These documents are available for inspection from the Town Clerk, or may be purchased or copied as described in Exhibit E. This Exhibit is not an exhaustive list of all documents that may govern a particular development.

### **2.4 Fees and Charges**

Fees and charges associated with various development processes in Firestone are shown in Exhibit F. Most development processing in the Town functions on a direct cost reimbursement arrangement. The Town's standard format documents for this reimbursement arrangement are known as a Cost Agreement and Funds Deposit Agreement, which are shown as Exhibit G. When appropriate, the Planning Coordinator will fill in the missing information on these documents and transmit them to the Applicant, after the pre-application conference. These documents are subject to change only by the Town Manager. Pursuant to the Firestone Municipal Code, the Exhibit F schedule of fees and charges is subject to revision by the Town Manager. The most current schedule is available at Town Hall and on the Town's website and the amount of the costs associated with the Funds Deposit Agreement will be based on the most current schedule. Pursuant to the Firestone Municipal Code, the Town Manager is also authorized to require that a Cost Agreement and Funds Deposit Agreement include other costs related to a development which are not otherwise established by schedule. Such costs may include, for example, extraordinary publication or document preparation costs or costs for specialized services, such as geotechnical, traffic, telecommunications or lighting engineering or consulting.

### **2.5 Development Application Form**

The Development Application Form, shown as Exhibit H, assists Town Staff in creating a more effective and efficient means by which the Town processes development review. Town Staff can assist the Applicant in filling out this form at the Pre-Application Conference. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

### **2.6 Duplication of Submittal Requirements**

Development submittal requirements are as shown for each individual submittal application. In cases where two or more types of applications are being processed concurrently (e.g. Final Development Plan and Final Plat) any individual submittal requirement, which may be required for each application, does not need to be submitted

more than once (e.g. Title Reports required for both an Annexation and an Outline Development Plan).

## **2.7 Neighborhood Meeting**

A key component of the Firestone development process is the neighborhood meeting. These meetings have been established and are encouraged by the Town in order to promote citizen participation in the development process. A neighborhood meeting may specifically be requested by Town Staff for certain residential developments located adjacent to rural areas, certain industrial developments, and other developments that may have the potential to have a significant impact on the surrounding area. Town Staff will notify the Applicant in instances when a neighborhood meeting is requested. The purpose of neighborhood meetings is to receive input and participation from adjacent property owners and residents of the community about the Applicant's proposed development plan so that appropriate revisions, if any, may be incorporated into the plan prior to the review by the Town. Furthermore, it is intended that the neighborhood meeting will provide an opportunity for the Applicant to interact with the residents of the neighborhood and citizens of the community, outside of the formal public hearing process.

The Applicant shall check with the Planning Coordinator before selecting a meeting time and place in order to avoid scheduling conflicts. Once the neighborhood meeting is scheduled, it shall be the responsibility of the Applicant to notify all property owners and homeowners associations, within 300 feet of the Applicant's property of the time, place and nature of the meeting. This notification shall be at least 7 days prior to the date of the meeting. Town Staff will prepare the notice and a copy of such notice will be sent to the Applicant upon request. Town Staff may request that the notice of such meeting also be hand delivered to certain other entities. The Applicant shall provide to Town Staff a notarized mailing affidavit stating that the mailed notice has been completed and a list of all parties notified. The Applicant shall hold the meeting prior to any Town administrative action or Planning Commission action on the proposed development application. Town Staff will not be responsible for conducting the meeting. The role of Town Staff in the neighborhood meeting process is to be available to assist in providing information regarding the process. Town Staff will also be available for technical support with regards to Town policies, design standards and development requirements.

The Applicant is encouraged to be thoroughly prepared to answer a variety of questions from the public pertaining to the proposed development. Preparation for the neighborhood meeting should include, at a minimum, the following:

- A. A graphic presentation depicting the layout and design of the proposed development.

- B. A "development fact sheet" including such items as the size of the proposed project, proposed land uses, number of dwelling units, density of project, building heights, parking requirements, land dedication, open space acreage, public recreation opportunities or facilities, park planning, trail connections, etc.
- C. A "statement of intent" explaining how the proposed development will be compatible with the surrounding land uses and what steps the Applicant has taken to insure compatibility with the neighborhood and community.

Note: Such neighborhood meetings in no way replace the formal public hearing or other formal review processes of the Town. Documents and discussions at the neighborhood meeting are not part of the formal public hearing record; however, Town staff may include the "sign-in" sheet and a summary of the town staff's notes from the meeting in any Staff Report prepared for a Planning Commission or Town Board meeting. The Applicant has the right to forgo such meetings if the Applicant considers such meetings as unproductive or hostile.

## **2.8 Planning Commission and Town Board Schedules**

The processing of development applications is directly tied to the agenda availability of both the Planning Commission and Town Board. The regular meeting times for each entity are shown below. As these times are subject to change, please contact the Planning Coordinator to confirm their applicability.

### **A. Planning Commission**

The Planning Commission has one regular meeting per month:

- Third Thursday of Each Month, 7:00 p.m. Town Hall

### **B. Town Board of Trustees**

The Town Board has two regular meetings per month:

- Second Wednesday of Each Month, 7:00 p.m. Town Hall
- Fourth Wednesday of Each Month, 7:00 p.m. Town Hall

## **2.9 Development Review Scheduling**

The following are the Town's general policies relative to scheduling land use applications for public hearings:

- A. No land use application is scheduled on the Planning Commission Agenda until the application is determined to be substantially complete by Town Staff and the required information is submitted to the Town.

- B. An application will not be heard by the Town Board until the application has been presented to the Planning Commission (if a Planning Commission meeting is required pursuant to the Town Code and these Regulations) and the Planning Commission has made a recommendation with respect to the application.
- C. Except for unique circumstances major land use matters are typically scheduled for the Town Board on the fourth Thursday of each month.
- D. The development application and corresponding Staff Report are transmitted to the Planning Commission and Town Board the Friday prior to the scheduled meeting, unless otherwise approved by Town Staff. The Planning Commission and Town Board will receive all submitted documents, except construction drawings and certain associated engineering reports. Staff reports are made available to the applicant at the time they are transmitted to the Planning Commission or Town Board. Draft resolutions are typically provided to the Planning Commission and Town Board the day of the Public Hearing. Such resolutions are formal documents that consider all Town Staff recommendations up to the date of the public hearing. These resolutions are provided to the Applicant prior to the public hearing by the Planning Coordinator.
- E. No development application will be heard before the Planning Commission or Town Board unless the development application is processed consistent with these Development Regulations. Town Staff shall confirm that the application materials are complete and in order for both the Planning Commission and the Town Board Public Hearings. Any application for which complete application materials are not received by 4:00 p.m. seven days prior to the hearing (not counting the day of the hearing) may be removed from the agenda by the Planning Commission Secretary or Town Clerk.
- F. To the extent required by C.R.S. § 29-20-108, final Town action on any application of a public utility or a power authority providing electric or natural gas service that relates to the location, construction, or improvement of major electrical or natural gas facilities, as defined in that section, shall be taken within 120 days after submission of a preliminary application, if a preliminary application (such as a PDP) is required by these Regulations, or within 90 days after submission of a final application. This section shall not be construed to supersede any timeline for review and action on such an application that is set by agreement between the Town and the public utility or power authority. In addition to any written agreement that may be made concerning such timeline, a consent to a continuance on behalf of the utility or authority made on the

record of the Town Board or Planning Commission hearing shall be deemed the agreement of the utility or authority to any extension of the 90- or 120-day deadlines that result from such continuance. No timeline under such statute shall begin to run until the submitted application has been determined complete as provided in these Regulations.

## **2.10 Graphic Convention and Document Submittal Protocol**

The following general graphic convention and submittal protocol shall be adhered to for all development submittal documents and materials.

- A. All 24-inch by 36-inch sheets (except for Preliminary and Final Utility Plans) shall have the following Title Block located at the top center of each sheet:

Type of Submittal (e.g. Outline Development Plan)  
PROJECT OR DEVELOPMENT NAME  
Planned Unit Development (delete this line if not a PUD)  
Phase or Filing Number  
Sheet Title  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

- B. All 24-inch by 36-inch sheets shall have the following Firestone Information Block located at the bottom right of each sheet (except for the Preliminary and Final Utility Plans which only need the Information Block on the Cover Sheet). The location of this Information Block must be adjoining the right border of all sheets and within 4-inches of the bottom right corner of the sheet. The Information Block shall be comprised of fonts that are no smaller than 19 points in size.

*Use 19-inch font for all text unless otherwise noted*

<b><i>Place Development Name Here (using 19-inch font)</i></b>	
<b><i>Place Sheet Title Name here (using 20-inch font)</i></b>	
Name of Application:	
Type of Submittal:	
Filing Number:	
Phase Number:	
Preparation Date:	
Revision Date:	



Revision Date:	
Revision Date:	
Revision Date:	
Revision Date:	
Sheet ____ of ____	

Note: If sheets are resubmitted without revisions responsive to Town comments, the application will be put on processing hold until the sheets are revised and correctly dated, or until the applicant provides a written explanation for the lack of revision. All revision dates shall be current. Revision dates shall be on a sheet-by-sheet basis. The cover sheet, however, shall indicate the latest revision date of any sheet in the plan set.

- C. When paper copies of 24-inch by 36-inch sheets are submitted to the Town, all sheets shall be folded into an approximate 12-inch by 12-inch size, with the printed side of the bottom right hand corner of the first sheet visible. Folded this way the Firestone Information Block will be visible. Typically, such folded sheets are placed inside the required submittal notebooks.
- D. For Utility Plans, mylar drawings or other drawings that may be too thick to fold, they should be rolled with the printed side of the first sheet visible. Rolled this way the Firestone Information Block will be visible.
- E. All Street names shall be consistent with the Firestone Street Grid. A copy of the Firestone Street Grid is shown as Exhibit I.
- F. The text for all plan sheets shall be no smaller than 19-point in size and all text shall be clearly legible at a reduction to a sheet size of 11-inches by 17-inches. Tract letters or numbers shall be in a bold font.
- G. 11-inch by 17-inch paper reduced copies of all map sheets (excluding Utility Plans) shall be provided with each submittal.
- H. Except for original technical engineering documents, original signed documents, and 24-inch by 36-inch and 11-inch by 17-inch paper map sheets, all documents should also be submitted in a "PDF" format. Any and all required text sheets shall be also submitted in Word files for Town staff to redline. A CD including such documents shall be securely included in the 3-ring binder noted below. The table of contents should reflect which documents are provided in

PDF format and note the specific title of such document on the CD. For certain applications PDF format documents are all that is necessary as noted herein

- I. All submittal information shall be submitted in a 3-ring binder. The binder shall be appropriately sized and shall be of a “clear overlay” style that provides for a cover title sheet insert and a binder end sheet insert. The front and binder ends of the notebook shall have all the title information required for the application (See Section 2.10 (A) and the submittal date shown. With all first submittals, one extra empty, but properly labeled, notebook shall also be provided for the Town for incoming referral information and other relevant file information. Additional binders may be required for “replacement” submittals, as components of an application may be modified. Check with the Planning Coordinator to see if additional binders are required in these instances. There shall be a table of contents included in the notebook and tabs shall separate all individual documents.

## **2.11 Protocol Regarding Title Commitments**

For most applications described in these Regulations, the Applicant is required to submit a current title insurance commitment for the property subject to the application. In all cases, the required title insurance commitment shall be dated no later than one month prior to the application submittal date. As the application proceeds through the review process, the Applicant shall also provide endorsements updating the effective date as requested by the town. All title insurance commitments shall be in a current, ALTA-approved format and shall be issued by a title insurance company which maintains an office or title plant in or for Weld County and which is authorized to do business in the State of Colorado. All title insurance commitments shall list the owner of the property as of the date of issuance of the commitment and shall include complete schedules of requirements and exceptions. Upon request of the Town, the Applicant shall timely provide copies of any documents listed in the schedule of exceptions.

The title insurance commitment submitted with the application shall be issued only for that property which is the subject of the application, and the legal description in the commitment shall be identical to the legal description required by the Town for use in the public notices of hearings on the application. If the application is approved and includes the dedication and conveyance of land to the Town (other than internal easements and internal street rights-of-way), then the Applicant shall submit after approval but prior to recording a revised, current title commitment issued in favor of the Town and insuring the Town's ownership of the land proposed for dedication and conveyance. Such title commitment shall be specific to the land to be dedicated and conveyed, list the Town as the proposed insured, include no other land, be in such amount as the Town requires, and be in a form acceptable to the Town. For any land to be dedicated and conveyed to the Town, the Applicant (and subdivider, if different from the Applicant) shall furnish, at its own

expense, an ALTA title policy for all interests conveyed to the Town, subject to approval by the Town Attorney.

### **3.0 Public Hearings and Meetings**

This section generally describes the public hearing process relative to any zoning application. The process for subdivision review is further described in Sections 9.0 and 11.0. When subdivision applications are accompanied by either a Preliminary Development Plan or a Final Development Plan (which are zoning documents that also require public hearings) the required public hearings are typically combined into one public hearing. Minor Subdivisions, as described in Section 12.0, are generally not processed with either a Preliminary or Final Development Plan and are therefore processed as their own hearing.

#### **3.1 Notification**

Notification procedures for public hearings and public meetings are specifically described in these Development Regulations for each individual application type.

#### **3.2 Public Hearing Testimony Format**

A public hearing before the Planning Commission or Town Board is a formal process. Prior to the public hearing, the Applicant shall provide the Planning Commission Secretary or Town Clerk with an Affidavit of Publication, Posting Log, Affidavit of mailing, and Certification of Notice to Mineral Estate Owners. The Planning Commission and Town Board follow a strict procedure in receiving testimony and evidence from the Applicant and other parties. The Chairman or Mayor opens the public hearing by entering the name of the application and its case number into the public record. The Chairman or Mayor instructs everyone who intends to speak in any capacity during the public hearing to be placed under oath and to sign a Testimony Information Sheet. The Testimony Information Sheet will clearly state that anyone testifying at the public hearing may be subject to cross-examination by the Applicant or the Planning Commission or Town Board. The Chairman or Mayor may elect to place individual speakers under oath at the time they speak or prior to their testimony in a group fashion.

The Chairman or Mayor then asks the Town Clerk if:

1. The required referral mailings were properly provided in a timely manner to the Town Clerk and that such referral mailings were in fact mailed;
2. An affidavit of Publication of the hearing has been received;
3. A Posting Log has been submitted;
4. An Affidavit of Certified Mailing has been provided;
5. A Certification of Notice to Mineral Owners pursuant to C.R.S. § 24-65.5-101 et seq. has been submitted; and

6. If the hearing is the final hearing on an application that is a “qualifying surface development”, as defined in C.R.S. § 24-65.5-102(5.7), a Certification With Respect to Qualifying Surface Developments.

If this information is not in order, then the Chairman or Mayor will vacate the hearing.

If this information is in order, the Chairman or Mayor then enters this information into the record. At a Town Board public hearing, the Mayor also places all the testimony, evidence and the adopted resolution from the Planning Commission public hearing into the record.

The Applicant or appointed representative is then asked to go to the speaker’s podium and state their full name and address for the record and is then requested to make a presentation on the application. The burden of proof is on the Applicant, so the Applicant should be prepared to provide sufficient evidence to enable the Planning Commission or Town Board to evaluate the application. The Applicant should be prepared to present supportive graphic materials to clarify the proposal to the Planning Commission and Town Board. The Town Planning or Engineering Staff may also make a presentation to the Planning Commission or Town Board; however, this presentation does not eliminate the Applicant’s burden to demonstrate its application meets all requirements and criteria for approval. If the Applicant does not present sufficient evidence to support approval of the application, the Planning Commission or Town Board may either continue the hearing or deny the proposal. The Planning Commission or Town Board members may ask questions at any time of persons testifying, however their questions are usually held later in the meeting, after the public hearing is closed.

After the presentation by the Applicant, the Chairman or Mayor will ask the Staff to present their Staff Report. At the conclusion of the Staff Report, the Staff enters the Staff Report into the record and provides a final copy to the Town Clerk for the record of the hearing. After the presentation by Staff, the Chairman or Mayor will review the list of those individuals who signed the sheet indicating that they would like to speak regarding the application. If there are numerous individuals on the sign-up sheet, the Chairman or Mayor may offer the opportunity for Firestone residents to speak first. Following the public comment portion of the public hearing, the Chairman or Mayor will give the Applicant an opportunity to rebut any evidence opposing the application and, as specified in Section 17.44.050 of the Town Code, cross examine those giving testimony.

The Chairman or Mayor then closes the public hearing and opens the matter for discussion by the Planning Commission or Town Board members. The Planning Commission or Town Board members may ask questions of anyone for clarification of specific points prior to taking action on the application.

At public hearings of the Town Board of Trustees, the Town Board may be provided with the minutes of the Planning Commission meeting on the same application. These minutes may include a summary of the testimony, the Planning Commission motion, any conditions applied to the proposal, the findings of fact, and recommendations of the Planning Commission.

For additional information on the Firestone public hearing process, see Exhibit J.

### **3.3 Executive Sessions**

In certain circumstances and in accordance with the procedures of the Open Meetings law, the Planning Commission or Town Board may meet in “Executive Session”. These sessions are held for either body to receive attorney-client privileged legal advice from the Town Attorney or for other legally permissible reasons. Items discussed in Executive Sessions are typically narrow in scope, with the topic being announced before the session and summarized when the regular session resumes. Executive Sessions follow specific procedures established by State Law.

### **3.4 Public Meetings**

The general review and action process for annexations, general rezonings, and other legislative matters is similar to that of public hearings. For these types of applications, the Applicant should similarly be prepared to make a presentation with sufficient information to enable the Planning Commission or Town Board to take appropriate action.

#### **4.0 Annexation**

The annexation process is typically where the property owner petitions to be included within the Town of Firestone's municipal boundary. An annexation request must at a minimum show the following:

- A. That the property meets the State statutes required for annexation.
- B. That the property is within the Firestone Urban Growth Boundary.
- C. That the annexation is consistent with any intergovernmental agreements the Town may have with any other governments.
- D. That the property proposed to be annexed has adequate utility services available to it or will have such services developed in the reasonably near future. Also, that such utility services can be developed in conformance with the Town's water, sewer, and other master service plans.

#### **4.1 Pre-Application Submittal Conference**

The Applicant is encouraged to attend a pre-application conference as described in Section 2.2.

#### **4.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

##### **4.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, the documents noted below shall also be provided in electronic format as noted in Chapter 2.

##### **4.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5.

##### **4.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

##### **4.4 Vicinity Map**

A vicinity map shall be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **4.5 Annexation Petition**

An Annexation Petition must be included with the application. The standard format for this document is shown as Exhibit M. The Town Attorney will prepare this document in final form for signature by the Applicant.

#### **4.6 Annexation Agreement**

The required Annexation Agreement typically needs to be executed by the Applicant prior to the Town Board hearing on the annexation application. The Town's standard form Annexation Agreement is shown as Exhibit N. Final annexation agreements are usually consistent with this form; however, there may be circumstances particular to an annexation which will necessitate changes to the form. Any Applicant requests to amend the form should be submitted at the time the annexation applicant is submittal. The Town Attorney will prepare this document in final form for signature by the Applicant and the Town.

#### **4.7 Title Commitment**

The Applicant shall submit a current Title commitment for the Property, dated no later than one month prior to the application submittal date. The Applicant shall provide endorsements updating the effective date as requested by the Town. Refer to Section 2.11 for additional information.

#### **4.8 Legal Description**

A legal description of the property to be annexed. The total acreage should also be identified. All legal descriptions shall be metes and bounds. This legal description will be the same legal description that should be used for the Outline Development Plan which shall accompany any annexation application, as the Town will "zone" all property annexed. A computer version of the legal description (Word document) on CD is also required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

#### **4.9 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject property.

#### **4.10 Water Rights Questionnaire**

A completed Water Rights Questionnaire (Exhibit L) must accompany the development application.

#### **4.11 Fiscal Impact Analysis**

A fiscal impact analysis showing the cost-benefit relationship between the property proposed to be annexed and developed and the Town of Firestone will be prepared by the Town. However, to assist in this process, the Applicant shall complete and submit the fiscal impact submittal form shown as Exhibit K.



#### **4.12 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

#### **4.13 Response Letter**

For a second or third submittal (as described below) a letter shall be provided describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

#### **4.14 Annexation Map**

An Annexation Map shall be prepared by a Colorado Registered Professional Land Surveyor according to Colorado Revised Statutes pertaining to the preparation of Land Survey Plats in effect at the time of preparation or at the time of acceptance by the Town of Firestone. The maps shall be prepared at a scale of 1-inch equals 50-feet or 1-inch equals 100-feet unless otherwise approved by Town Engineer. The maps shall be on sheets with outer dimensions of twenty-four inches by thirty-six inches (24" x 36") and shall contain the following information:

##### **4.14.1 Firestone Information Block**

All Annexation sheets shall have a Firestone Information block located in the bottom right corner of each sheet. For specifications on the Firestone Information Block, see Section 2.

##### **4.14.2 Title Block**

The following title information clearly located on the top center of each sheet.

Annexation  
Project or Development Name  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

##### **4.14.3 Vicinity Map**

A vicinity map shall be shown on the first sheet of the Annexation Map at a scale no smaller than 1-inch to 1,200-feet, showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.

##### **4.14.4 Name**

The name under which the annexation is to be recorded shall be placed in the proper title blocks. The name shall not duplicate the name of any existing annexation,

subdivision or development in the Town of Firestone. Check with the Planning Coordinator for a current list of such names already used.

#### **4.14.5 Date**

The date of map preparation shall be provided, with revision dates noted as appropriate.

#### **4.14.6 Scale and North Arrow**

The scale at which the map is drawn and a graphic representation, and a symbol designating true North.

#### **4.14.7 Legal Description**

A legal description of the property to be annexed. The total acreage should also be identified. All legal descriptions shall be metes and bounds. This legal description will be the same legal description that should be used for the Outline Development Plan which shall accompany any annexation application, as the Town will “zone” all property annexed.

#### **4.14.8 Parcel Boundaries**

A description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

#### **4.14.9 Contiguous Boundary**

The delineation and length of the boundary of the annexation that is contiguous to the Town of Firestone shall be shown. The total perimeter of the annexation shall be stated in conjunction with the length contiguous to the existing limits of the Town of Firestone. This contiguous length shall not be less than 1/6 of the total perimeter. In all cases, the application shall comply with Colorado Revised Statutes pertaining to Annexations in effect at the time of submittal or acceptance of the application by the Town of Firestone.

#### **4.14.10 Owners/Developers**

The name, address, telephone number, and email address of owner(s) (and developer if different than the owner) shall be shown.

#### **4.14.11 Technical Consultants**

The names, addresses, telephone numbers, and email address of the technical consultants responsible for preparing the map shall be shown.

#### **4.14.12 Adjacent Properties**

The names of all adjoining annexations and/or subdivisions. If the adjoining land is unincorporated and/or unplatted, it should be designated as such.

**4.14.13 Existing Utilities, Streets and Easements**

The name, location and dimensions of all existing utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the annexation and existing regulatory floodplains shall be provided.

**4.14.14 Surveyor's Statement**

A statement by the surveyor responsible for the preparation of the annexation map, that the map was prepared by the surveyor or under the surveyor's responsible charge, and that the annexation conforms to Colorado Revised Statutes pertaining to Annexations.

**4.14.15 Owners Approval Block (recommended format)**

Know all men by these presents, that I/we (names of all landowners) being the sole owners and proprietors of the following described land, to wit:

(LEGAL DESCRIPTION)

Have caused the above described tract of land to be annexed under the name of (Name of Annexation)

Owner: (Landowner's name)

By: \_\_\_\_\_  
Owner

The above block will require revision if the annexation is requested by less than 100% of the property owners.

**4.14.16 Notary Certificate (in conjunction with owner's signature)**

STATE OF COLORADO    )  
  )SS  
COUNTY OF WELD        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

#### **4.14.17 Town Approval Block**

This is to certify that the (Name of Annexation) was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_ and that the Mayor of the Town of Firestone on behalf of the Town of Firestone, hereby acknowledges said Annexation upon which this certificate is endorsed for all purposes indicated thereon.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

#### **4.15 Outline Development Plan**

Along with the required annexation materials, the Applicant is required to submit the materials necessary for an Outline Development Plan. Other development plans and plats can also be processed simultaneously with an annexation; however, an Outline Development Plan is required at a minimum. See Section 7.0 for Outline Development Plan submittal requirements.

#### **4.16 First Application Submittal**

Once all the application materials are complete, the Applicant should submit five complete sets of the materials to the Planning Coordinator. The Planning Coordinator will distribute one copy each to the Town Engineer, the Town Planner, the Town Attorney, and Public Works for initial review. See Exhibit O for a summary of the items required.

#### **4.17 Application Review by Staff**

Within 30 days, or as soon as reasonably possible after an Applicant has submitted the First Application Submittal, Town Staff will review the application to determine if the application is complete. If it is not complete, Town Staff will inform the Applicant of those items that need to be submitted or resubmitted.

#### **4.18 Application Substantially Complete**

Once Town Staff determines that the application is substantially complete, Town Staff will inform the Applicant of that fact in writing.

#### **4.19 Review Comments to Applicant**

Once Town Staff determines that the application is substantially complete Town Staff will review the application and provide review comments to the Applicant.

#### **4.20 Second Submittal Requirements**

The Applicant shall address Town Staff review comments, as appropriate, and resubmit the number of copies as itemized in Exhibit O. A written response to each of staff's comments shall be provided. The Applicant shall return any redlined drawings, reports, etc. from the previous submittal.

#### **4.21 Processing Schedule**

Once the Applicant has provided the Town with the Second Submittal, and Town Staff has found the Second Submittal to be substantially complete, Town Staff will prepare a processing schedule for the application. A copy of the schedule will be provided to the Applicant.

#### **4.22 Referral Mailings**

It shall be the responsibility of the Applicant to provide copies of the application materials to referral agencies noted in Exhibit P. The referral mailing shall include a CD of the complete application and a copy of the Firestone Referral Mailing Cover Sheet as shown in Exhibit P. The referral contents and the Cover Sheet shall be placed in appropriately sized envelopes with the proper postage. Addresses for referral mailings are shown in Exhibit P. This address list has been formatted to be copied onto a 1-inch by 4-inch mailing label sheet. The box in front of the entity on a particular mailing shall be checked consistent with the label on the same envelope (e.g. Check City of Dacono on the Referral Mailing Cover Sheet that is placed within the envelopes being mailed to the City of Dacono). The Applicant shall provide to the Planning Coordinator a notarized mailing affidavit stating that the referral mailings have been completed, a list of all parties notified and the date on which they were mailed. These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

#### **4.23 Resolution of Substantial Compliance**

Once the application has been found to be substantially complete, the Town Board will consider a resolution of substantial compliance. The Applicant is not required to make a presentation at this Town Board meeting, but it is recommended that the Applicant attend the meeting to answer any general questions that the Town Board may have regarding the proposed annexation.

#### **4.24 Neighborhood Meeting**

A Neighborhood Meeting shall be held pursuant to Section 2.7.

#### **4.25 Annexation Impact Report**

Town Staff will prepare an Annexation Impact Report for the property (if the annexation is greater than 10 acres in size) and transmit a copy of the report to the Weld County Commissioners and to the applicant.

#### **4.26 Publications**

Town Staff will publish proper notice of the Planning Commission meeting on any initial zoning application requested for concurrent review with the annexation. Town Staff will also publish proper notice of the Town Board hearing on the annexation, the date of which has been established by the Town Board in the Board's Resolution of Substantial Compliance.

#### **4.27 Notification to Owners of Interest and to Mineral Estate Owners**

**A. Owners of Interest.** The Applicant shall submit to the Town an Owners of Interest List as defined in these Regulations (e.g. surface owners, easement holders, and persons who have other legal or equitable interests in the property). The list shall include the names and address of such owners. This list shall be obtained based on records from the County Assessor's office and the County Clerk & Recorder's office, and any more recent address information as may be available in telephone or other general use directories. The list must be certified by the Applicant in writing as true and complete within one month prior to submitting the development application. Applicant shall prepare the notice to be sent to Owners of Interest. The Applicant shall request a copy of the Notice of the meeting prepared by the Town from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice, along with a vicinity map (see Section 4.4), shall be mailed by the Applicant, via certified mail, return receipt requested to the Owners of Interest. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the persons and entities on the Owners of Interest List, and mail receipts shall be delivered to the town at or prior to the hearing. The original of all returned receipts shall also be provided to the Town Clerk taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Planning Commission and Town Board meetings, not including the day of the meetings.

**B. Mineral Estate Owners.** The Applicant shall be solely responsible for preparing and sending notice to Mineral Estate Owner(s) in the manner required by C.R.S. § 24-65.5-101 et seq., as amended from time to time, and for otherwise complying with the statute. The statute generally requires that notice of the initial public hearing be sent to the Mineral Estate Owner(s) not less than 30 days before the date scheduled for the hearing. The notice prepared by the Town for mailing to Owners of Interest and Surrounding Property Owners will not contain all of the information that must be included in the notice required by the statute to be sent to the Mineral Estate Owner(s). The Applicant therefore must prepare the proper notice and ensure it is mailed or delivered as required by law. Prior to opening the hearing, the Applicant shall in writing certify to the Town that the Applicant has provided notice to the Mineral Estate

Owner(s) as required by law. The certification shall be in a form acceptable to the Town and such certification shall be a condition of final approval of any application.

#### **4.28 Notification to Surrounding Property Owners**

If the annexation request is accompanied by an initial zoning request, then the Applicant shall submit to the Town a Surrounding Property Owners List. The list shall include the names and address of such owners within 300 feet of the outside boundaries of the property subject to the development application. This list shall be based on records from the County Assessor's office and the County Clerk & Recorder's office, and must be certified by the Applicant as true and complete within one month prior to submitting this application. The applicant shall prepare the notice of the initial zoning request to be sent to Surrounding Property Owners. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice along with a vicinity map (see Section 4.4) shall be mailed by the Applicant, via certified mail, return receipt requested to such Surrounding Property Owners. In addition, Notice shall be mailed in the same fashion to the Board of Directors of any owners association existing with respect to any adjoining property. The Town Planner may require the notice of such meeting (including the vicinity map) also be hand delivered to certain other entities. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they were mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

#### **4.29 Special District Inclusion Certifications**

A letter from all special districts intended to serve the property, if requested by Town staff, is required to be submitted by the Applicant stating the property is already within such district or is within the district's service area. It is the responsibility of the Applicant to request such letters from the district. The Town may require inclusion into certain special districts before development processing can conclude.

#### **4.30 Property Posting**

Property Posting is required for any annexation accompanied by an initial zoning request. At least fifteen (15) days prior to, but not including, the Planning Commission Public hearing date on the matter the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways in no more than four directions. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign

has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Property posting is not required where an annexation or zoning exclusively involves public right-of-way.

#### **4.31 Posting Log**

The signed posting log shall be provided to the Planning Commission at the Public Hearing by the Applicant. If the Posting Log is not provided, the meeting may be vacated. The property posting log form is shown in Exhibit Q.

#### **4.32 Staff Report for the Planning Commission**

By no later than the Friday prior to the Planning Commission meeting, Town Staff will complete a Staff Report on the initial zoning application. A copy of such report will be transmitted to the Applicant.

#### **4.33 Planning Commission Meeting**

Within 60 days, or as soon as reasonably possible, after the Town receives a complete application, the Planning Commission shall hold a meeting on the annexation and a public hearing on the request for initial zoning of the property. Upon completion of the hearing, the Planning Commission shall, after Commission deliberation, vote on the matter. Any motion should briefly state the findings of fact and conclusions of the Planning Commission with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions. The Planning Commission may vote to either recommend approval, approval with conditions, or denial of the zoning application. The Planning Commission may act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to Planning Commission at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain as is mutually agreed upon by the Applicant and the Planning Commission by which time the record and all evidence can be reviewed. At that time the Planning Commission can either



adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

#### **4.34 Third Submittal Requirements**

After the Planning Commission meeting and prior to the Town Board meeting, the Applicant shall provide the Planning Coordinator with additional copies of submittal items shown in Exhibit O. Prior to the submittal of these documents, the Applicant may desire to modify the application as recommended by the Planning Commission. The documents will need to be provided to the Town pursuant to the schedule prepared by the Town.

#### **4.35 Staff Report for the Town Board**

By no later than the Friday prior to the Town Board meeting, Town Staff shall prepare a Staff Report. As appropriate, Town Staff will amend the Staff Report that was submitted to the Planning Commission for distribution to the Town Board. A draft resolution will typically be prepared in conjunction with the Staff Report. A copy of such report and resolution will be transmitted to the Applicant.

#### **4.36 Town Board Meeting**

On the date specified in the Resolution of Substantial Compliance, the Board of Trustees shall hold a public hearing on the annexation application. The findings of fact, conclusions and recommendations of the Planning Commission, responses to referrals, and recommendations of the planning staff shall be submitted to the Town Clerk immediately after the final decision of the Planning Commission and shall become a part of the record of the case before the Board of Trustees. The same shall be considered to be a public record and available in the office of the Town Clerk for examination by the public.

Upon completion of the hearing, the Board of Trustees shall, after board discussion, vote on a resolution regarding the eligibility of the property for annexation. If the resolution is approved, the Board in its discretion may then proceed to adopt one or more annexation ordinances to annex the property. If an annexation ordinance is adopted, the Board in its discretion may then proceed to consider an ordinance regarding the initial zoning request for the property. Any action on the proposed initial zoning will briefly state the findings of fact and conclusions of the Board of Trustees with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions. The Board shall vote to approve, approve with conditions, or deny the application, or it may continue or table action on the application as permitted by law. If the Board approves an application with conditions, the Applicant shall make such modifications to the required text, maps, studies, etc. before the Mayor signs any necessary approval blocks.

The Board may also act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to the Board of Trustees at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain by which time the record and all evidence can be reviewed. At that time the Board of Trustees can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

#### **4.37 Final Document Preparation, Review and Recording**

Subsequent to any approval by the Town Board, the Applicant shall provide the Town with a paper copy of all documents amended by the Applicant, pursuant to conditions as may be imposed by the Town Board. Town Staff will review these amended documents relative to any Town Board conditions. Once the documents appear satisfactory to Town Staff relative to the noted conditions, Town Staff will request the final documents be delivered to the Town for recording (See Exhibit O for the proper number and material of all final documents). The annexation ordinances, maps, and related documents shall be recorded by the Town Clerk or his or her designee only, and recording by any other party shall be prohibited. As annexations do not become effective until recording of the final documents, applicants are required to promptly revise and resubmit documents after the Town Board action. All resubmittals after Town Board approval shall be made promptly in order to permit recording of final documents by December 15 of the year within which the annexation is approved. If final documents are not recorded within 120 days of Town Board approval, approval of the documents shall lapse and the Applicant shall be required to submit a new application to be processed pursuant to the same procedures and requirements as the initial application.

#### **4.38 Publication of Ordinances**

The Town Clerk will publish and record all ordinances related to an annexation and initial zoning application. Such ordinances may be subject to referendum.

## **5.0 Zoning**

### **5.1 Standard Zoning Districts**

Property less than one acre in size may be zoned pursuant to the standard zoning districts specified in Title 17 of the Firestone Code. Property over one acre must be zoned as PUD or a PUD Overlay. The development of all property over one acre in size, regardless of zoning, must be done so as a PUD Overlay District.

### **5.2 Vested Rights**

A vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. A site specific development plan is a Final Development Plan. See Chapter 17.42 of the Town Code for specific information on vested property rights.

## **6.0 Planned Unit Developments**

The following statement of intent, requirements and procedures shall be used in utilizing and processing Planned Unit Development zoning in Firestone, as also described in Title 17 of the Town Code.

### **6.1 Intent**

Pursuant to the Planned Unit Development Act of 1972, Article 67 of Title 24, CRS the Planned Unit Development ("PUD") zoning district is created as an alternative to conventional land use regulations in order that the public health, safety, integrity and general welfare may be furthered in the era of increasing urbanization and growing demand for housing of all types and designs for the following purposes:

- A. To provide for necessary commercial, recreational, and educational facilities conveniently located to such housing;
- B. To provide for well-located, clean, safe, and pleasant industrial sites involving minimum strain on transportation facilities;
- C. To ensure that the provisions of the Firestone zoning laws which direct the uniform treatment of dwelling type, bulk, density, and open space within each zoning district will not be applied to the improvement of land other than lot-by-lot development in a manner which would distort the objectives of the zoning laws;
- D. To encourage innovations for superior designs in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
- E. To encourage a more efficient and innovative use of land and public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that the resulting economies may inure to the benefit of those who need homes;
- F. To lessen the burden of traffic on streets and highways;
- G. To encourage the building of "new towns" incorporating the best features of modern design;
- H. To conserve the value of the land;

- I. To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and
- J. To encourage integrated planning in order to achieve the above purposes.

## **6.2 General Provisions**

Planned Unit Developments provide for the opportunity for mixed and multiple use districts where both residential neighborhoods and non-residential areas can be comprehensively planned and developed. All major categories of land use including industrial, office, commercial, residential, public and open space have the potential to be present in a PUD.

Where applicable, it is the intent of Title 17 of the Town Code that subdivision review under the subdivision regulations in Title 16 be coordinated with and carried out simultaneously with the review of a PUD pursuant to Title 17.

## **6.3 PUD Zoning**

The following types of Planned Unit Developments may be established:

### **6.3.1 PUD Zone District**

PUD zoning district may be established by zoning land as a PUD zoning District either through a rezoning process or by the initial zoning of land at the time of annexation. Commercial, industrial, office, public, residential, agricultural, conservation and open space land uses are permitted in a PUD zone district as specified herein. An Outline Development Plan ("ODP") must be submitted at the time the PUD zoning is requested. A Preliminary Development Plan ("PDP") shall be submitted prior to or concurrently with the processing of an FDP for any area of the ODP. A Final Development Plan ("FDP") must be submitted for that portion of the ODP that building or further development is being proposed. An Overall Final Development Plan ("Overall FDP") may be submitted for an initial phase of a development in which such phase only involves the construction of public or private utilities, overall landscaping, roadways or other general site features. If an Overall FDP is submitted and approved, an approved FDP still shall be required prior to building construction or for further site development not addressed in the Overall FDP. The requirements for an ODP, PDP and an FDP are as set forth in Title 17 and as stated herein. The submittal requirements for an Overall FDP are the same as those for an FDP, with the exception that no specific building information is required, as such information shall be provided in the forthcoming FDP. The Overall FDP shall include a statement noting that a site specific FDP shall be required for each lot or site prior to the issuance of any building permit.

### **6.3.2 PUD Overlay District**

A PUD may be established in an existing zoning district by overlaying a development plan over the applicable existing zoning district or districts. When a PUD is established in this manner, only the principal permitted uses and permitted accessory uses of the underlying zoning district are permitted in the PUD. When a PUD is established using the overlay procedure, the development must follow the applicable review procedures for approval of an ODP, PDP, or an FDP. A zoning change is not required for an overlay and the property retains its original zoning classification subject to the provisions of the approved PUD for the property.

### **6.4 PUD Density**

The maximum permissible density for a PUD Zone District shall be determined based upon the land uses proposed for the development and shall be based upon the density standards for types of uses as specified herein. The maximum permissible density within a PUD Overlay District shall be the density permitted in the underlying zoning district as set forth in Chapter 17.16 of Title 17 for residential districts and as set forth in Chapter 17.20 of Title 17 for commercial and industrial districts. However, such density requirements may be altered through the approval process of the planned unit development if the spirit and intent of the development criteria contained in Section 17.22.080 are met and if the Board of Trustees finds that the development plan contains areas allocated for useable open space or common park area in excess of the public use dedication requirements, or that the alteration is warranted by the amenities incorporated in the development plan, and the needs of residents for usable and functional open space, parks and buffer areas can be met.

### **6.5 Size of a PUD**

There shall be no minimum size for a PUD District. All property, which is one acre or more, shall be developed as a PUD zone district or a PUD Overlay district.

### **6.6 Conditions and Standards for Approval**

The Planning Commission and the Town Board of Trustees may approve a PUD application if it meets the intent of these Regulations and complies with the Town Code and other controlling regulations and documents, including the development standards specified herein. The Planning Commission and Town Board shall consider the following in making their decision for approval, approval with conditions, or denial of a PUD:

- A. The proposed PUD district is compatible with present development in the surrounding area, and will not have a significant, adverse effect on the surrounding area;
- B. The proposed PUD district is consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;

- C. The proposed PUD district is consistent with the overall direction, intent of Titles 16 and 17 of the Town Code, and the intent and policies of the Town's comprehensive plan and other policy documents of the Town;
- D. The proposed PUD district provides for a creative and innovative design which could not otherwise be achieved through other standard zoning districts;
- E. The exceptions from the zoning regulations requested in the proposed PUD are warranted by virtue of innovative design and amenities incorporated in the PUD district;
- F. The PUD provides adequate circulation in terms of internal street circulation system, designed for the type of traffic generated, for separate living areas, convenience, safety, access, and noise and exhaust control. Proper circulation in parking areas shall be provided in terms of safety, convenience, separation and screening. The PUD should provide for buffering from collector and arterial streets through earthen berms, landscaping, and other methods;
- G. The PUD provides functional open space in terms of practical usability and accessibility, and optimum preservation of natural features, including trees and drainage areas, recreation, views, natural stream courses, bodies of water and wetlands;
- H. To the extent practicable, the PUD provides variety in terms of housing types, housing size, densities, facilities and open space;
- I. The PUD provides for pedestrian and bicycle traffic in terms of safety, separation, convenience, access, destination and attractiveness. If possible, there shall be an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels, parks, open space, or recreational facilities within the PUD as well as links to trail systems of the Town;
- J. Building types in terms of appropriateness to density, site relationship and bulk;
- K. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting;
- L. Landscaping of the site in terms of purpose, such as screening, types and materials used, maintenance suitability, water demands and effect on the area;

- M. Services including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development;
- N. No structures in the PUD shall encroach on a floodplain except as permitted by the Town's floodplain ordinance;
- O. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved by the Town;
- P. Visual relief and variety of visual sitings shall be located within the PUD through building placement, shortened or interrupted street vistas, visual access to open space and other design methods;
- Q. The fiscal impacts on the Town, relative to expected service provision costs and anticipated revenue to the Town;
- R. Compliance with the provisions of any applicable intergovernmental agreements;
- S. The PUD incorporates a lighting plan and facilities to minimize of light drift outside the PUD in an effort to help preserve the night sky;
- T. To the extent reasonably practicable, the PUD shall strive to incorporate "green" building standards and design guidelines for all residential and commercial development in an effort to increase energy efficiency and reduce energy consumption;
- U. To the extent reasonably practicable, the PUD shall strive to incorporate renewable energy technologies;
- V. To the extent reasonably practicable, the PUD shall strive to incorporate best management practices in recycling, water conservation, soils preservation and sustainable development practices;
- W. To the extent reasonably practicable, the PUD shall strive to incorporate infrastructure design that emphasizes technology that will encourage the development of "knowledge workers" and will facilitate telecommuting.

## **6.7 Amendments to an Outline Development Plan**

An amendment to the ODP development plan is a change in zoning district classification and shall follow the same procedures as set forth herein and as stated in Title 17 of the Town Code pertaining to the approval of an ODP, except the Town Planner may authorize minor changes in the overall development plan that do not:



- A. Alter the basic relationship of the proposed development to adjacent property;
- B. Change the uses permitted;
- C. Increase the maximum density, floor area ratio, or height;
- D. Decrease the amount of required off-street parking; or
- E. Reduce the minimum yards required at the boundary of the site.

Any administrative approvals granted under this section shall be transmitted to the Planning Commission and Board of Trustees for their information by written memorandum from the Town Planner. An applicant may appeal the decision of the Town Planner to the Planning Commission.

#### **6.8 Amendments to the Preliminary Development Plan**

Except as provided below, no changes may be made in the approved PDP except upon application and approval by the Town Board under the same procedures and requirements as specified for the initial submittal of a PDP. The Town Planner may, at the Planner's sole discretion, approve an amendment to a PDP, provided that the amendments are only:

- A. Architectural: Minor changes in the color; exterior appearance; lot coverage; screening of outdoor storage areas; or location, siting and height of buildings, structures, or divisional walls if required for engineering reasons or other circumstances not foreseen at the time the PDP was approved. No change authorized by this paragraph may increase or decrease the dimensions of any building or structure by more than 10 percent or permit an accessory structure whose size is greater than 10 percent of the area of the principal building or structure.
- B. Landscaping and Site Features: Changes in plant materials; minor alterations in the location of plantings; changes in plant quantities or sizes; changes to the location of internal sidewalks; or changes in location of parking spaces if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. No change authorized by this paragraph may increase or decrease landscaping or sidewalks by more than 10 percent.

Any approved changes shall constitute an amendment to the PDP. Any administrative amendments authorized by the Town Planner shall be transmitted to the Planning Commission and the Board of Trustees for their information by written communication

from the Town Planner. An applicant may appeal the decision of the Town Planner to the Planning Commission.

## **6.9 Amendments to the Final Development Plan**

Except as provided below, no changes may be made in the approved FDP (or Overall FDP) except upon application and approval by the Town Board under the same procedures and requirements as specified for the initial submittal of a FDP. The Town Planner may, at the Planner's sole discretion, approve an amendment to a FDP, provided that the amendments are only:

- A. Architectural: Minor changes in the color; exterior appearance; lot coverage; screening of outdoor storage areas; or location, siting and height of buildings, structures, or divisional walls if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. No change authorized by this paragraph may increase or decrease the dimensions of any building or structure by more than 10 percent or permit an accessory structure whose size is greater than 10 percent of the area of the principal building or structure.
- B. Landscaping and Site Features: Changes in plant materials; minor alterations in the location of plantings; changes in plant quantities or sizes; changes to the location of internal sidewalks; or changes in location of parking spaces if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. No change authorized by this paragraph may increase or decrease landscaping or sidewalks by more than 10 percent.

Any approved changes shall constitute an amendment to the FDP. Any administrative amendments authorized by the Town Planner shall be transmitted to the Planning Commission and the Board of Trustees for their information by written communication from the Town Planner. The decision of the Town Planner that a proposed amendment does not qualify as "administrative" is not subject to administrative appeal. An applicant may appeal to the Planning Commission any condition placed by the Town Planner upon the Planner's approval of an administrative amendment.

## **6.10 Recording of Amendments**

Any approved changes to an ODP, PDP or FDP shall constitute an amendment thereto and must be on file with the Town and noted as amendments to the FDP. The Town will record such amendments with Weld County. Any administrative amendments authorized by the Town Planner shall be transmitted to the Planning Commission and the Board of Trustees for their information by written communication from the Town Planner.

## **6.11 Temporary Structures**

The Town Planner may approve temporary structures for an FDP to be present onsite for a period of up to 24 months. The structure must be removed at the end of the approval period and the site returned to the approved FDP requirements. In no event shall any property owner be granted or acquire a right to maintain such temporary structure beyond the 24 month period provided in this section. A site plan, with information determined by the Town Planner, shall be submitted to the Town with a request for such Temporary Structure. The Town Planner shall refer the site plan to the Town Engineer, Public Works Director and Fire District for comments prior to approval.

## **6.12 Temporary Uses**

### **6.12.1 Temporary Uses**

The Town Planner or the Planner's designee may approve temporary uses to be located on property for which there is an approved ODP, PDP or FDP. The application for approval of a temporary use shall be submitted by the property owner, or must be signed by the property owner to indicate the owner consents to use of the property as requested in the application.

### **6.12.2 Application**

The following information shall be submitted with the application form:

- A. A narrative description of the temporary use. Provide a table that identifies the height of any structure over 10 feet. Describe how all activities will comply with the Town's noise ordinance, as applicable.
- B. Documents. Provide a copy of any applicable business and sales tax licenses.
- C. Site plan. Include a complete layout of the event site with the following information, as applicable:
  - 1. Lot or permit area dimensions (labeled in feet)
  - 2. Location and dimension (labeled in feet) on the property of the temporary use
  - 3. Location on the property of temporary use facilities (e.g. tables, chairs, stage)
  - 4. Location on the property of existing and planned trash containers or dumpsters
  - 5. Location on the property of existing and temporary use signage

6. Details of any temporary use signage
7. North arrow
8. Property address
9. Graphic Scale
10. Subdivision name, if applicable
11. Adjoining public and private streets and roads
12. Existing buildings and structures and their existing uses
13. Fire hydrant locations
14. Emergency vehicle access location
15. Event manager's office or station location
16. Existing fencing and planned temporary use fencing
17. Location of temporary use generators or source of electricity including electrical layout for power cords and power sources
18. Temporary hand washing station locations
19. Existing and planned exterior lighting
20. Existing and planned parking area locations, the locations of driveway entrances, parking stall locations; indicate the type of surface for all
21. Existing and planned pedestrian routes
22. The parking location of specific temporary vehicles or trailers
23. Existing and temporary use restroom facilities or portable toilets
24. Sound system speaker locations
25. Stages or grandstands, or similar structures

26. The location of planned temporary use utilities

### **6.12.3 Burden of Demonstrating**

The applicant shall have the burden of demonstrating that the temporary use application meets all applicable conditions and standards for approval of a PUD application as set forth in Section 6.6 of these Regulations, and any approval shall be conditioned upon the applicant applying for and being granted all other permits and licenses required by the Firestone Municipal Code for the particular activities to be conducted. If the application is denied, the applicant shall be notified in writing with the specific grounds for denial. The applicant may thereafter appeal the denial of the application to the Town Manager, whose decision shall be final. Any appeal to the Town Manager shall be made in writing within fifteen days of date of the denial.

### **6.13 Control of Development**

After the planned unit development has been approved, the use of land and the construction, modification or alteration of any buildings or structures within the planned unit development will be governed by the approved ODP and FDP. The approved ODP shall constitute the zoning document for the planned unit development, and the approved FDP shall govern all land development within the PUD zone.

### **6.14 Variances**

Notwithstanding any other provisions of this document or Title 17 of the Town Code, the Board of Adjustment has the power to hear and decide, grant or deny applications for variances on individual lots from the provisions of an approved planned unit development except for use variances.

## **7.0 Outline Development Plan**

All ODP applicants shall provide the following submittal requirements. It is the intent of the submittal requirements for the ODP to provide the Town with sufficient information to adequately evaluate the plan, and not create excessive or repetitive submittal demands on the Applicant. The Town Planner has the right to waive any of the submittal requirements stated herein, if in the Planner's determination such requirement is not necessary to evaluate the intent, purpose or impact of the proposed development.

### **7.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

### **7.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

#### **7.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, the documents noted below shall also be provided in electronic format as noted in Chapter 2.

#### **7.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5.

#### **7.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

#### **7.2.4 Vicinity Map**

A vicinity map shall be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **7.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the application submittal date. The applicant shall provide endorsements updating the effective date as requested by the Town.

### **7.2.6 Legal Description**

An overall legal description of the perimeter of the ODP is required. In addition, separate legal descriptions are required for each proposed land use category included in the ODP. The total acreage should be identified. All legal descriptions shall be metes and bounds. A computer version of the legal description (Word document) on CD is also required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

### **7.2.7 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject property.

### **7.2.8 Water Rights Questionnaire**

A Water Rights Questionnaire (Exhibit L) must accompany the development application.

### **7.2.9 Fiscal Impact Analysis**

Unless waived by the Town Planner, a fiscal impact analysis shall be submitted showing the cost-benefit relationship between the property proposed to be developed and the Town of Firestone. The fiscal impact submittal form is shown as Exhibit K.

### **7.2.10 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

### **7.2.11 Response Letter**

For a second or third submittal (as described below) a letter shall be provided describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

## **7.3 ODP Cover and Text Sheets**

The following information must be prepared on sheets 24-inches by 36-inches in size and supplied in sequence with the ODP map sheets. An additional duplicate copy of such text shall also be provided in an 8.5x11-inch format in the application notebooks for review by the staff, Planning Commission and the Town Board during the development review process. Such text provided in the notebooks shall also include a copy of any notes provided on plan sheets, with a reference note as to what sheet the text is from.

### **7.3.1 Firestone Information Block**

All ODP sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

### **7.3.2 Title Block**

The following title information shall be clearly located on each page of the text sheets and at the top center of each drawing sheet:

Outline Development Plan  
PROJECT OR DEVELOPMENT NAME  
Town of Firestone  
County of Weld  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

### **7.3.3 Vicinity Map**

A vicinity map shall be shown on the cover sheet of the ODP at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.

### **7.3.4 Owner/Developers**

The name, address, phone number, and email address of the owner(s) (and developer if different than the owner).

### **7.3.5 Technical Consultants**

Names, addresses, phone numbers, and email addresses of technical planning, architectural and engineering consultants involved with the submittal of the ODP.

### **7.3.6 Legal Description**

An overall legal description of the perimeter of the ODP is required. In addition, separate legal descriptions are required for each proposed land use category included in the ODP. The total acreage should be identified. All legal descriptions shall be metes and bounds.

### **7.3.7 Project Concept**

A statement of the character and development concept of the ODP and of how the ODP has been planned to incorporate the goals and objectives of the PUD district.

### **7.3.8 Regional Impacts**

An identification and description of the potential impacts on Firestone and the surrounding area by this development.

### **7.3.9 Environmental Information**

The impact on significant natural features and environmental components such as trees, wetlands, wildlife, streams, floodplains, undermining historical and archaeological sites.



#### **7.3.10 Utilities**

A general description of utility systems and public services intended to serve the properties displayed on the ODP and a statement of proposed financing for any major infrastructure improvements. Note if any existing Central Weld water tap(s) is currently serving the property and how the tap is planned to be transferred and the timing of such.

#### **7.3.11 Grading Concept**

A general description of the overall grading concept for the development.

#### **7.3.12 Service Requirements**

A general description of the public services that would be necessary to serve the development, including the provider of such services.

#### **7.3.13 Circulation Systems**

A description of all existing and proposed circulation systems and proposed right-of-way dedications.

#### **7.3.14 Land Use and Zoning**

Existing and proposed zoning and land uses for the ODP, including a statement that specifies the justification for initial zoning or rezoning.

#### **7.3.15 Density**

The density of the proposed development, including approximate minimum and maximum lot sizes for all land uses.

#### **7.3.16 Building Height**

A statement specifying the planned maximum building heights for all land uses within the ODP.

#### **7.3.17 Land Use Table**

A land use table that shows the acreage of each land use category in relationship to the entire PUD district. This table should include the density information noted above.

#### **7.3.18 Development Schedule**

A general indication of the expected schedule of development, including any proposed phasing. Include a plan expiration statement.

#### **7.3.19 Park Development**

A concept statement for Park, Trail and Open Space allocation. Also, add a statement of responsibility for park and open space development. For residential uses in any mixed-use sub-district, the Applicant shall state the location, timing and maintenance provisions for park development.

### 7.3.20 Private Maintenance and Enforcement

A description of any agreements, conveyances, restrictions, or covenants which will govern the use, maintenance and continued protection of the PUD and any of its parks, open space, common area or joint ownership areas.

### 7.3.21 Approval Blocks

Approved by the Town Board of Trustees of the Town of Firestone, Colorado this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Ordinance  
No. \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

### 7.3.22 Acceptance Block and Notary

By signing this ODP, the owner acknowledges and accepts all of the requirements and intent set forth herein.

\_\_\_\_\_  
OWNER

STATE OF COLORADO    )  
                                      )SS  
COUNTY OF WELD        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

## 7.4 ODP Map Sheets

The following information shall be supplied in map form. The size of the ODP map shall be 24 inches by 36 inches. The ODP map shall be in a scale of 1-inch = 100-feet or 1-inch = 50-feet, unless otherwise approved by the Town Planner. If the ODP map does not fit onto one sheet, at the noted scale, an additional overall map of the development shall be provided. This map will be a reduction of the plan so that it all fits onto one

24x36-inch sheet. If necessary, this sheet shall be the first sheet after the ODP text sheets.

#### **7.4.1 Firestone Information Block**

All ODP sheets shall have a Firestone Information block located in the bottom right corner of each sheet. For specifications on the Firestone Information Block, see Section 2.

#### **7.4.2 Title Block**

The following information shall be clearly located on the top center of each sheet:

Outline Development Plan  
PROJECT OR DEVELOPMENT NAME  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

#### **7.4.3 Scale and North Arrow**

The scale at which the drawings are drawn and a graphic representation, and a symbol designating true North.

#### **7.4.4 Circulation Systems**

The location of major existing and planned streets within and adjoining the ODP, with notes specifying general conditions such as right-of-way width, access control, and other pertinent factors when applicable. Off-site intersections and driveway cuts for properties along streets that are on the perimeter of the ODP shall also be shown. The location of major existing and planned pedestrian and non-motorized circulation systems within and adjoining the ODP shall be shown.

#### **7.4.5 Land Use**

Existing zoning of properties adjoining the ODP.

#### **7.4.6 Land Use Districts**

The location of all proposed land use districts, including the gross acreage of each.

#### **7.4.7 Buildings and Structures**

Existing buildings, structures and features with notes specifying whether they are to remain, including all oil and gas facilities.

#### **7.4.8 Parcel Boundaries**

A description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld

County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

#### **7.4.9 Utilities**

Existing major utility facilities and easements.

#### **7.4.10 Drainage**

Location of existing major drainage courses, (with names, if available) and existing regulatory floodplains.

#### **7.4.11 Environmental**

Environmentally significant areas, regulatory wetlands, hazards or features including scenic corridors and archaeological sites.

#### **7.4.12 Contours**

The existing topographical character of the land at a contour interval no greater than five feet or as shown on a USGS 7.5 minute series map for the area.

#### **7.4.13 Transportation, Park and Trails Sub-Area Plans**

The following sub-area transportation plans are required to be submitted with the ODP, unless otherwise directed by the Town Planner. The information can be combined onto one sheet.

- A. Sub-Area Vehicular Transportation Plan
- B. Sub-Area Non-Motorized Circulation Plan
- C. Sub-Area Park Plan

It is intended that this information be provided on a separate 24-inch by 36-inch map sheet and shall include an area of at least two miles from the external ODP boundary. The scale for this map shall be no smaller than 1-inch equals 1,000-feet, unless otherwise approved by the Town Planner. This map sheet should be added to the other map sheets and numbered sequentially there from. This sheet should identify existing and planned facilities within the noted area and planned within the ODP.

### **7.5 First Submittal Requirements**

The Applicant should submit five complete sets of the materials to the Planning Coordinator. The Planning Coordinator will distribute one copy each to the Town Engineer, the Town Planner, the Town Attorney, and Public Works for initial review. See Exhibit R for a summary of the items required.

## **7.6 Application Review by Staff**

Within 30 days, or as soon as reasonably possible after an Applicant has submitted a development application, Town Staff will review the application to determine if the application is complete. If it is not complete, Town Staff will inform the Applicant of those items that need to be submitted or resubmitted.

## **7.7 Application Substantially Complete**

Once Town Staff determines that the application is substantially complete, Town Staff will inform the Applicant of that fact in writing.

## **7.8 Review Comments to Applicant**

Once Town Staff determines that the application is substantially complete Town Staff will review the application and provide review comments to the Applicant.

## **7.9 Second Submittal Requirements**

The Applicant shall address Town Staff review comments, as appropriate, and resubmit the number of copies as itemized in Exhibit R. A written response to each of staff's comments shall be provided. The Applicant shall return any redlined drawings, reports, etc. from the previous submittal.

## **7.10 Processing Schedule**

Once the Applicant has provided the Town with the Second Submittal, and Town Staff has found the Second Submittal to be substantially complete, Town Staff will prepare a processing schedule for the application. A copy of the schedule will be provided to the Applicant.

## **7.11 Referral Mailings**

It shall be the responsibility of the Applicant to provide copies of the application materials to referral agencies noted in Exhibit P. The referral mailing shall include a CD of the complete application and a copy of the Firestone Referral Mailing Cover Sheet as shown in Exhibit P. The referral contents and the Cover Sheet shall be placed in appropriately sized envelopes with the proper postage. Addresses for referral mailings are shown in Exhibit P. This address list has been formatted to be copied onto a 1-inch by 4-inch mailing label sheet. The box in front of the entity on a particular mailing shall be checked consistent with the label on the same envelope (e.g. Check City of Dacono on the Referral Mailing Cover Sheet that is placed within the envelopes being mailed to the City of Dacono). The Applicant shall provide to the Planning Coordinator a notarized mailing affidavit stating that the referral mailings have been completed, a list of all parties notified and the date on which they were mailed. These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

### **7.12 Neighborhood Meeting**

A Neighborhood Meeting shall be held pursuant to Section 2.7.

### **7.13 Publications**

Town Staff will publish proper notice of the Planning Commission meeting on the development application.

### **7.14 Notification to Owners of Interest and to Mineral Estate Owners**

**A. Owners of Interest.** The Applicant shall submit to the Town an Owners of Interest List as defined in these Regulations (e.g. surface owners easement holders, and persons who have other legal or equitable interests in the property). The list shall include the names and address of such owners. This list shall be obtained based on records from the County Assessor's office and the Clerk & Recorder's office and any more recent address information as may be available in telephone or other general use directories. The list must be certified by the Applicant in writing as true and complete within one month prior to submitting the development application. The applicant shall prepare the notice to be sent to Owners of Interest. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice, along with a vicinity map, shall be mailed by the Applicant, via certified mail, return receipt requested to the Owners of Interest. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the persons and entities on the Owners of Interest List, and mail receipts shall be delivered to the town at or prior to the hearing. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

**B. Mineral Estate Owners.** The Applicant shall be solely responsible for preparing and sending notice to Mineral Estate Owner(s) in the manner required by C.R.S. § 24-65.5-101 et seq., as amended from time to time, and for otherwise complying with the statute. The statute generally requires that notice of the initial public hearing be sent to the Mineral Estate Owner(s) not less than 30 days before the date scheduled for the hearing. The notice prepared by the Town for mailing to Owners of Interest and Surrounding Property Owners will not contain all of the information that must be included in the notice required by the statute to be sent to the Mineral Estate Owner(s). The Applicant therefore must prepare the proper notice and ensure it is mailed or delivered as required by law. Prior to opening the hearing, the Applicant shall in writing certify to the Town that the Applicant has provided notice to the Mineral Estate Owner(s) as required by law. The certification shall be in a form acceptable to the Town and such certification shall be a condition of final approval of any application.

### **7.15 Notification to Surrounding Property Owners**

The Applicant shall submit to the Town a Surrounding Property Owners List. The list shall include the names and address of such owners within 300-feet of the outside boundaries of the property subject to the development application. This list shall be based on records from the County Assessor's office and the County Clerk & Recorder's, and must be certified by the Applicant as true and complete within one month prior to submitting this application. The applicant shall prepare the notice to be sent to Surrounding Property Owners. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified mail, return receipt requested to such Surrounding Property Owners. In addition, Notice shall be mailed in the same fashion to the Board of Directors of any owners association existing with respect to any adjoining property. The Town Planner may require the notice of such meeting (including the vicinity map) also be hand delivered to certain other entities. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they have been mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

### **7.16 Special District Inclusion Certifications**

A letter from all special districts intended to serve the property, if requested by Town staff, is required to be submitted by the Applicant stating the property is already within such district or is within the district's service area. It is the responsibility of the Applicant to request such letters from the district. The Town may require inclusion into certain special districts before development processing can conclude.

### **7.17 Property Posting**

Property Posting is required for zoning matters. At least fifteen (15) days prior to, but not including, the Planning Commission Public hearing date on the zoning matter the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways in no more than four directions. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Such signs shall be returned to the Town or the recording of project documents may be suspended as determined by the Town

Planner. Property posting is not required where an annexation or zoning exclusively involves public right-of-way only.

#### **7.18 Posting Log**

The sign posting log shall be provided to the Planning Commission at the Public Hearing. If the Posting Log is not provided, the meeting may be vacated. The property posting log form is shown in Exhibit Q.

#### **7.19 Staff Report for the Planning Commission**

By no later than the Friday prior to the Planning Commission meeting, Town Staff will complete a Staff Report. A copy of such report will be transmitted to the Applicant.

#### **7.20 Preparation for Planning Commission**

The Monday prior to Planning Commission Public Hearing, the Applicant shall contact the Town Planner to discuss the Applicant's presentation materials and exhibits. The Town Planner may request that this conversation be at a meeting. The Town Planner will confirm that the Applicant will bring to the hearing the necessary graphic exhibits of the Application and other materials to assist the Planning Commission and the general public in clearly understanding the proposal in the limited time of the public hearing. Such graphic exhibits shall be of a size and color scheme to be easily discernable by the audiences. Also, an additional exhibit may be required so that it can be shown to the general public. If the Planner determines that the Applicant is unprepared for the presentation, then the Town Planner can inform the Town Manager of such fact and the Town Manager may require that the Public Hearing be VACATED until such necessary information is prepared.

#### **7.21 Planning Commission Meeting**

Within 60 days, or as soon as reasonably possible, after the Town receives a complete application, the Planning Commission shall hold a meeting on the annexation and a public hearing on the zoning of the property. Upon completion of the hearing, the Planning Commission shall, after commission deliberation, vote on the matter. Any motion should briefly state the findings of fact and conclusions of the Planning Commission with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions. The Planning Commission may vote to either recommend approval, approval with conditions, or denial of the application. As an alternative to taking action on the application at that meeting, the Planning Commission may act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or



- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to Planning Commission at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain, as is mutually agreed upon by the Applicant and the Planning Commission, by which time the record and all evidence can be reviewed. At that time, the Planning Commission can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

#### **7.22 Third Submittal Materials**

After the Planning Commission meeting and prior to the Town Board meeting the Applicant shall provide the Planning Coordinator with additional copies of submittal items shown in Exhibit R. Prior to this submittal of these documents, the Applicant may desire to modify the application as recommended by the Planning Commission. The documents will need to be provided to the Town pursuant to the schedule prepared by the Town.

#### **7.23 Publications**

Town Staff will publish proper notice of the Town Board meeting and public hearing.

#### **7.24 Notification to Owners of Interest and to Mineral Estate Owners**

The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified mail, return receipt requested to the Owners of Interest. The Applicant shall also prepare and mail or deliver a notice of the meeting to Mineral Estate Owners in the manner required by C.R.S. § 24-65.5-101, et seq., as amended from time to time. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Owners of Interest List and have been mailed or delivered to the entities on the Mineral Estate Owners List, and mail receipts and delivery receipts shall be delivered to the town at or prior to the hearing. The original of all returned receipts and delivery receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed or delivered at least fifteen (15) days prior to the Town Board meeting, not including the day of the meeting.

### **7.25 Notification to Surrounding Property Owners**

The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was published for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified return receipt mail to such Surrounding Property Owners. In addition, notice shall be mailed in the same fashion to the Board of Directors of any owners association existing with respect to any adjoining property. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they have been mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Town Board meeting, not including the day of the meeting.

### **7.26 Property Posting By Applicant**

Property Posting is required for all zoning matters. At least fifteen (15) days prior to, but not including, the Town Board Public hearing date on the zoning matter, the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways with a maximum of four signs. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Such signs shall be returned to the Town or the recording of project documents may be suspended as determined by the Town Planner. Property posting is not required where an annexation or zoning exclusively involves public right-of-way only.

### **7.27 Posting Log**

The signed posting log shall be provided to the Town Board at the Public Hearing. The posting log is shown in Exhibit Q.

### **7.28 Staff Report for the Town Board**

By no later than the Friday prior to the Town Board meeting Town Staff shall prepare a Staff Report. As appropriate, Town Staff will amend the Staff Report that was submitted to the Planning Commission, for distribution to the Town Board. A draft resolution will typically be prepared in conjunction with the Staff Report. A copy of such report and resolution will be transmitted to the Applicant.

### **7.29 Preparation for the Town Board Hearing**

The Monday prior to Town Board Public Hearing, the Applicant shall contact the Town Planner to discuss the Applicant's presentation materials and exhibits. The Town Planner may request that this conversation be at a meeting. The Town Planner will confirm that the Applicant will bring to the hearing the necessary graphic exhibits of the Application and other materials to assist the Town Board and the general public in clearly understanding the proposal in the limited time of the public hearing. Such graphic exhibits shall be of a size and color scheme to be easily discernable by the audiences. Also, an additional exhibit may be required so that it can be shown to the general public. If the Planner determines that the Applicant is unprepared for the presentation, then the Town Planner can inform the Town Manager of such fact and the Town Manager may require that the Public Hearing be VACATED until such necessary information is prepared.

### **7.30 Town Board Meeting**

Within 60 days or as soon as reasonably possible after recommendation of the Planning Commission, notice shall be provided and the Board of Trustees shall hold a public hearing. If the recommendation of the Planning Commission is to approve or grant the proposed zoning or rezoning, the Town Clerk shall place an ordinance embodying the proposed rezoning on the agenda of a meeting of the Board of Trustees.

The findings of fact and conclusions and recommendations of the Planning Commission, responses to referrals, and recommendations of planning staff shall be submitted to the Town Clerk immediately after the final decision of the Planning Commission and shall become a part of the record of the case before the Board of Trustees. The same shall be considered to be a public record and available in the office of the Town Clerk for examination by any person from the time of filing during regular business hours, including the members of the board.

Upon completion of the hearing, the Board of Trustees shall, after board discussion, vote on the matter. Any action will briefly state the findings of fact and conclusions of the Board of Trustees with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions.

The Board shall vote to approve, approve with conditions, or deny the application, or it may continue or table action on the application or remand the application, as permitted by law. If the Board approves an application with conditions, the Applicant shall make such modifications to the required text, maps, studies, etc. before the Mayor signs any necessary approval blocks.

The Board may also act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to the Board of Trustees at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain as is mutually agreed upon by the Applicant and the Board of Trustees by which time the record and all evidence can be reviewed. At that time the Board of Trustees can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

#### **7.31 Final Document Preparation, Review and Recording**

Subsequent to any approval by the Town Board, the Applicant shall provide the Town with a paper copy of all documents amended by the Applicant, pursuant to conditions imposed by the Town Board. Town Staff will review these amended documents relative to any Town Board conditions. Once the documents appear satisfactory to Town Staff relative to the noted conditions, Town Staff will request the final documents be delivered to the Town for Recording (See Exhibit R for the proper number and material of all final documents). The ODP and related documents shall be recorded by the Town Clerk or his or her designee only, and recording by any other party is prohibited. If final documents are not recorded within 120 days of the date of Town Board approval, approval of the documents shall lapse and the Applicant shall be required to submit a new application to be processed pursuant to the same procedures and requirements specified for the initial application.

#### **7.32 Publication of Ordinances and Referendum Period**

The Town Clerk will publish and record all ordinances related to an ODP application. Such ordinances may be subject to referendum, as provided by law.

## **8.0 Preliminary Development Plan**

All PDP applicants shall provide the following submittal requirements. It is the intent of the submittal requirements for the PDP to provide the Town with sufficient information to adequately evaluate the plan, and not create excessive or repetitive submittal demands on the Applicant. For planning related submittal requirements, the Town Planner has the right to waive any of the submittal requirements, stated herein, if in the Planner's determination such requirement is not necessary to evaluate the intent, purpose or impact of the proposed development. The same authority is established for the Town Engineer for engineering related submittal requirements. Subdivision Preliminary Plat review shall, if necessary or appropriate, as determined by the Town Planner, be carried out simultaneously with the PDP review. The Preliminary Plat shall be, if necessary or appropriate as determined by the Town Engineer, processed concurrently with Preliminary Utility Plans.

The PDP can be processed jointly with an FDP, however, it is generally not recommended for Applicants to do so, as the level of detail associated with an FDP and Final Utility Plans is significantly greater than that of a PDP, Preliminary Plat and Preliminary Utility Plans. Approval by the Town of these preliminary documents assists the Applicant in understanding the Town's preliminary position on the development, prior to the effort associated with final documents.

### **8.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

### **8.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

#### **8.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, these documents noted below shall also be provided in electronic format as noted in Chapter 2.

#### **8.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

#### **8.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. An original copy with these agreements shall be provided with the First Submittal (the First Submittal is as described below) in a separate envelope labeled

Cost Agreement and Funds Deposit Agreement Attention Finance Department. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G. An original copy of these agreements shall be provided to the Applicant by Town staff soon after the pre-application conference. The costs associated with the Funds Deposit Agreement are subject to change by the Town Manager.

#### **8.2.4 Vicinity Map**

A vicinity map shall be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **8.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the application date. The applicant shall provide endorsements updating the effective date as requested by the Town.

#### **8.2.6 Legal Description**

An overall legal description of the perimeter of the PDP is required. In addition, separate legal descriptions are required for each proposed land use category included in the PDP. The total acreage should be identified. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description. A computer version of the legal description (Word document) on CD is also required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

#### **8.2.7 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

#### **8.2.8 Special District Inclusion and Utility Provider Certifications**

A letter from all special districts intended to serve the property, if requested by Town staff, is required to be submitted by the Applicant stating the property is already within such district or is within the district's service area. It is the responsibility of the Applicant to request such letters from the district. The Town may require inclusion into certain special districts before development processing can conclude. In addition, a letter from all utility providers intended to serve the property is required to be submitted by the Applicant stating the utility provider's agreement that property is eligible for service. The submittal at FDP should include any additional or updated letter received from utility provide since the PDP submittal. The Town may request additional evidence that adequate provisions have been made for reliable and adequate utility service for the proposed subdivision or development.

### **8.2.9 Water Rights Questionnaire**

A completed Water Rights Questionnaire (Exhibit L) must accompany the development application.

### **8.2.10 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

### **8.2.11 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

### **8.2.12 Traffic Impact Study**

Unless waived by the Town Engineer, a Traffic Impact Study prepared pursuant to the requirements specified in Section 11.0 shall be required. The study can be included in the notebook or as a separate document.

### **8.2.13 Soils Report**

Unless waived by the Town Engineer, a Soils Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **8.2.14 Drainage Report**

Unless waived by the Town Engineer, a Drainage Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **8.2.15 Hydraulic Analysis Report**

Unless waived by the Town Engineer a Hydraulic Analysis prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **8.2.16 Mine Subsidence Report**

Unless waived by the Town Engineer, a Mine Subsidence Report shall only be required for applications that have been undermined.

## **8.3 Response Letter**

For a second or third submittal (as described below) a letter shall be provide describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

#### **8.4 PDP Cover and Text Sheets**

The following information shall be prepared on sheets 24-inches by 36-inches in size and supplied at the beginning and in sequence with the PDP map sheets. This information shall be provided in the same order as noted below. An additional duplicate copy of such text shall also be provided in an 8.5x11-inch format (in a convertible electronic format on the required CD) in the application notebooks for review by Town staff, Planning Commission and the Town Board during the development review process.

##### **8.4.1 Firestone Information Block**

All PDP sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

##### **8.4.2 Title Block**

The following title information shall be clearly located on each page of the text sheets and at the top center of each drawing sheet:

Preliminary Development Plan  
PROJECT OR DEVELOPMENT NAME  
Phase or Filing No.  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

##### **8.4.3 Vicinity Map**

A vicinity map shall to be added to the cover sheet of the PDP at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.

##### **8.4.4 Owner/Developers**

The name, address, phone number, and email address of the owner(s) (and developer if different than the owner).

##### **8.4.5 Technical Consultants**

Names, addresses, phone numbers, and email addresses of technical planning, architectural and engineering consultants involved with the submittal of the PDP.

##### **8.4.6 Legal Description**

An overall legal description of the perimeter of the PDP is required. In addition, separate legal descriptions are required for each proposed land use category included in the



PDP. The total acreage should be identified. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description.

#### **8.4.7 Project Concept**

A statement of the character and development concept of the PDP and of how the PDP has been planned to incorporate the goals and objectives of the PUD district.

#### **8.4.8 Land Use Table**

A land use table that shows building coverage and gross building square footage for each building. The percentage of paved areas, park areas, and open space areas in relationship to the gross area of the PDP shall also be shown. For residential single-family applications, the land use table shall include a detailed breakdown of lot sizes based on the following tiers:

<b>Lot Size (square feet)</b>
0-10,000
10,001-12,500
12,501-15,000
15,001-17,500
17,501-20,500
20,501-23,000
23,001-25,500
25,501-28,000
28,001-30,500
30,501-33,000
33,001-35,500
35,501-38,000
38,001-41,000
41,001-43,500

#### **8.3.1 Residential Densities**

Gross density of any residential uses shall be shown in dwelling units per acre. Minimum and maximum lot sizes shall also be provided.

#### **8.3.2 Environmental Impact Mitigation**

A description of special treatment for any environmentally significant area, hazard or feature, including scenic corridors and archaeological sites.

#### **8.4.9 Private Maintenance and Enforcement**

Agreements, provisions, or covenants which are intended to govern the use, maintenance and continued protection of the PDP and any of its common areas and landscaped areas, including a statement of responsibility for park development, if applicable.

#### **8.4.10 Parks, Trails and Open Space**

A description of any public and private open space, greenbelts and trail areas and the maintenance responsibility for each.

#### **8.4.11 Controls**

A statement shall be included in the PDP that specifies how any common open space shown in the PDP will be developed and maintained. Copies of any agreements, conveyances, restrictions or covenants which will govern the use, maintenance, and continued protection of the PDP and any of its park, open space, common area, or joint ownership areas shall also be provided.

#### **8.4.12 Drainage**

A description of all drainage courses and planned improvements.

#### **8.4.13 Utilities**

A general description of all utility systems and improvements.

#### **8.4.14 Water Dedication**

Include the appropriate water dedication paragraph for the application pursuant to Exhibit X.

#### **8.4.15 Parking**

The number of parking spaces for each land use and the total square footage of internal landscaping within each parking area. Internal landscaping includes all landscaping within and including adjacent buffer and setback areas.

#### **8.4.16 Architecture**

A description of architectural treatments for all building elevations and other site features.

Include the following notes and chart:

##### **Architecture**

##### General Standards

Architectural standards will conform to town regulations and municipal code as they may be amended from time to time.

### Elevations

Sample architectural elevations indicating the general architectural style homes are shown on Sheets \_\_\_\_\_. All homebuilders shall submit plans that are generally consistent with the noted sample elevations and meets the architectural and development standards noted below:

1. Generally, when looking at the Front of any lot, the Right Elevation is to the right of the Front, the Left Elevation is to the left of the Front and the Rear Elevation is opposite the Front of the lot (i.e. the Front Elevation).
2. Rock means rock, brick, stone or cultured stone.
3. All homes shall have a minimum of 25% of the entire front elevation (with the area of the garage also included in the calculation) in rock. The Town Planner in his sole discretion may reduce the requirement to 20%, if it can be demonstrated that the elevation does not need 25% to be aesthetically pleasing or to avoid a situation where rock would be required on the second story.
4. All homes shall meet the following architectural standards:
  - A. All lap siding shall be no less than 8-inches with no less than a 7-inch exposure. Cottage siding is prohibited.
  - B. All windows and building corners must have a minimum of a 4-inch trim board.
  - C. Roof materials shall be dimensional asphalt shingle treatment designed to provide increased contrast and shadows. The roof colors shall coordinate with or complement the main color of the structure.
  - D. Similar house elevations shall not be placed next to or directly across from one another.
  - E. Detached garages are not permitted.
  - F. All residential homes shall be "stick built" and have a minimum of a two car garage.
  - G. All homes shall have a minimum floor area of \_\_\_\_\_ square feet for ranch plans (single story) and \_\_\_\_\_ square feet for multi-level plans. Notwithstanding the foregoing, all homes that directly back up to (fill in

with name of arterial street) on lots in excess of \_\_\_\_square feet shall have a minimum floor area of \_\_\_\_ square feet for multi-level plans. A minimum floor area of \_\_\_\_square feet for ranch plans is acceptable on such lots. In all cases the calculation of floor area does not include the floor area of any part of the garage, basement, attic, deck, patio or other similar accessory area.

- H. All homes shall have a basement where technically feasible as determined by the Town Engineer. Where a basement is not feasible, the homes shall have “crawl spaces”.
  - I. Any elevation that has rock, brick or cultured stone at the base of the elevation, such material shall wrap around at least 2-feet on to the adjoining elevation.
5. Enhanced Elevation Option 1 shall mean the elevation shall have a minimum of 25% rock or cultured stone, with at least one window. All windows shall have shutters. The Town Planner in his sole discretion may, on a case by case basis, waive the requirement for a window, if it can be demonstrated that the window would not be prominent to the view from (fill in with name of arterial street), conflict with the interior architecture or conflict with windows on an adjoining home. The following items shall also be included in with Option 1:
- A. The rear elevation must include at least two windows or one window and one doorway.
  - B. The rear elevation shall have a minimum of two roof breaks to create a variation in roof massing.
  - C. The rear wall shall include at least one of the following elements.
    - Angled or box bay.
    - Deck or balcony.
6. Enhanced Elevation Option 2 shall mean the elevation shall have at least one window. All windows shall have shutters. The Town Planner may on a case by case basis, in his sole discretion waive the requirement for a window on any elevation, if it can be demonstrated that the window would not be prominent to the view from (fill in with name of arterial street), conflict with the interior architecture or conflict with windows on an adjoining home. The following items shall also be included in with Option 2:
- A. The rear elevation shall have a minimum of two roof breaks to create a variation in roof massing.

- B. Decorative gable end vent or vents.
  - C. The rear wall shall include at least one of the following elements.
    - Angled or box bay.
    - Deck or balcony.
7. At time of Final Development Plan for each filing, an enhanced elevations table will be provided which identifies the architectural treatments required for the noted lots in the FDP Filing in a form similar to the chart noted below.

Lot Number	Elevations and Option Number		
	Right	Left	Rear
<b>Block 1</b>			
<b>1</b>			
<b>2</b>			
<b>Block 2</b>			
<b>1</b>			
<b>2</b>			

#### Foundation Walls

- The maximum amount of foundation wall permitted to be exposed above finished grade is 8".

#### Address Signs

- Street addresses are to be prominently displayed in contrasting color plainly visible from the street.

#### Accessory Buildings

- Each lot will be allowed a maximum of one accessory building. The square footage of the accessory building located on the ground shall be no larger than 200 square feet and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient.

### **8.4.17 Setbacks**

All setbacks from roadways and/or property lines shall be specified.

Include the following notes:

### Setbacks

- Decks may be covered provided such cover does not extend into the building setbacks.
- Uncovered decks are permitted if they meet the following standards:
  - A deck shall be no closer than 14 feet from the rear property line. Deck setbacks shall be measured from the lot line to any portion of the deck.
  - No deck shall be constructed within the side setbacks or upon any established easement.
  - Decks shall be no greater than 30 inches in height unless the deck is constructed within the standard building setback.

#### **8.4.18 Development Schedule**

The approximate date on which construction of the project will begin, the stages in which the project will be built, the approximate date when the construction of each stage will begin, the approximate rate of development, the interim uses and treatment of areas waiting to be developed, the approximate dates when the development of each of the stages in the development will be completed and the area and location of common open space that will be provided at each stage of the development. Include a plan expiration statement.

#### **8.4.19 Sign Program**

A general description of the signs to be used, indicating shape, size, material, color, location and text of all permitted signs.

#### **8.4.20 Approval Block**

Approval Blocks as follows:

Approved by the Town Board of Trustees of the Town of Firestone, Colorado this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Resolution  
No. \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

#### **8.4.21 Acceptance Block and Notary**

By signing this PDP, the owner acknowledges and accepts all of the requirements and intent set forth herein.

\_\_\_\_\_  
OWNER

STATE OF COLORADO            )  
  )SS  
COUNTY OF WELD            )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2\_\_, by \_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

## **8.5 PDP Map Sheets**

The following information shall be supplied in drawing form. The size of the PDP drawings shall be 24 inches by 36 inches. The information may be oriented either horizontally or vertically provided north is oriented to the top of any map. The following 12 individual drawings are required. These plans shall be numbered sequentially and use the same “graphic architectural standards” throughout.

- A. Project Plan
- B. Tract Plan
- C. Site Plan
- D. Grading Plan
- E. Landscape Plan
- F. Fencing Plan
- G. Signage Plan
- H. Building Elevations
- I. Utility Plan
- J. Cross Sections
- K. Sub-Area Plans

The following information shall be supplied with all the required drawings:

### **8.5.1 Firestone Information Block**

All PDP sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

### **8.5.2 Title Block**

The following information shall be clearly located on the top center of each sheet:

Preliminary Development Plan  
PROJECT OR DEVELOPMENT NAME  
Planned Unit Development  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

### **8.5.3 Scale and North Arrow**

The scale at which the drawings are drawn and a graphic representation and a symbol designating true North.

### **8.5.4 Dimensions**

Where appropriate on all map sheets, general plan dimensions shall be shown.

### **8.5.5 Parcel Boundaries**

Where appropriate, a description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

### **8.5.6 Project Plan**

An overall plan of the project at whatever scale necessary to show the entire development on one 24-inch by 36-inch sheet.

### **8.5.7 Tract Plan**

The Tract Plan shall show all streets, lots and development areas. The plan shall be at a scale to fit on one 24-inch by 36-inch sheet unless otherwise directed or approved by the Town Planner. All proposed Tracts shall be clearly identified.

### **8.5.8 Maintenance Table**

A maintenance table shall be provided showing the ownership and maintenance responsibilities of each tract.

### **8.5.9 Site Plan**

The Site Plan shall be drawn at one of the following scales: 1-inch = 50-feet, 1-inch = 40-feet, 1-inch = 30-feet or 1-inch = 20-feet, unless another scale is determined appropriate by the Town Planner. If the Site Plan map does not fit onto one sheet, at the noted scale, an additional overall map of the development shall be provided. This map will be a reduction of the plan so that it all fits onto a 24x36-inch sheet. If necessary, this



sheet shall be the first sheet after the PDP text sheets. The following information shall be supplied on the Site Plan drawing:

**8.5.10 Adjacent Properties**

A list of contiguous property uses and subdivision names (and reception numbers if plats have been recorded).

**8.5.11 Structures and Improvements**

Approximate location of all existing or planned structures within the PDP and within one hundred fifty feet of its external boundary.

**8.5.12 Roadways, Right-of-Ways and Easements**

Specific location and dimensions of all existing and proposed roadways, alleys and access easements, other rights-of-way and other utility easements. Private drives shall be indicated as such. Existing and proposed points of ingress and egress shall be shown. Typical sections shall be included for all existing or planned roadways, showing applicable dimensions.

**8.5.13 Paved Areas**

Location and type of surfacing for streets, walkways, bikeways, parking lots and other paved areas.

**8.5.14 Setbacks and Lot Lines**

Location and dimension of lot lines and setback lines.

**8.5.15 Corner Lot Orientation**

For all platted lots, use an arrow to identify the front of the lot toward which the building shall face.

**8.5.16 Outdoor Storage Areas**

Any area used or intended to be used for outdoor storage.

**8.5.17 Open Space Areas**

Location and dimension of all open space areas and private greenbelts. For residential uses in a mixed-use sub-district, the location of any required park areas shall be shown. Areas identified as public parks should be noted as such.

**8.5.18 Land Use**

Existing land uses and/or subdivisions within 300-feet of the PDP boundary and the existing and proposed land uses and acreages within the PDP.

**8.5.19 Trash Disposal Areas**

Location, dimension, color, and construction materials for all trash disposal areas.

#### **8.5.20 Mailboxes, Signs, Lighting and Advertising Devices**

Location, height and size of existing and proposed freestanding mailboxes (including neighborhood mailboxes in residential areas), signs, exterior lighting and other advertising devices.

#### **8.5.21 Utility Screening**

Location and screening of all utilities, whether building or ground mounted.

#### **8.5.22 Vegetation**

Any existing forested areas and areas composed of unique vegetation to remain after construction.

#### **8.5.23 Drainage Information**

Designation of areas subject to the 100-Year Floodway and Flood Storage Area.

#### **8.5.24 Cultural Impact Information**

Designate sites of historic, archaeological, or paleontological significance, identified by the State Archaeologist or State Historical Society, which are on the proposed site of development. If necessary, this information must include an assessment of the mitigation measures or other proposals for preservation or identification of such sites, and the location of the areas.

#### **8.5.25 Grading Plan**

Unless otherwise approved by the Town Planner, the Grading Plan shall be at the same scale as the Site Plan. In addition to relevant information from the Site Plan, the following information shall be supplied on the Grading Plan drawing:

#### **8.5.26 Existing Contours**

Existing contours shall be shown in all directions from the external PDP boundary for a minimum distance of 50-feet

All off-site contour lines, which have been approved by the Town or the County, as appropriate, for all adjacent platted properties which have not been constructed, within the distances noted above, shall be shown and noted as such.

#### **8.5.27 Proposed Contours**

Proposed contour lines shall be shown at 1-foot intervals, unless otherwise approved by the Town. In areas with extreme topographical relief, contour lines at intervals of 2-foot need only be exhibited in the vicinity of buildings or areas of significant grading, such as parking areas, as practical.

#### **8.5.28 Drainage Information**

Designation of areas subject to the 100-Year Floodway and Flood Storage Area. This information shall be provided by the Town Engineer. If this information is not available, a tentative flood plain will be defined by agreement between the Town Engineer and the owner/developer's engineer, according to generally accepted engineering standards, practices, and procedures of the Town of Firestone, Urban Drainage and Flood Control District, FEMA, and other pertinent regulatory agencies. Any PDP that includes any area subject to the 100-Year Flood shall generally show that adequate drainage is provided in order to reduce the exposure of flood hazards to the property, adjoining property and all public utilities including, sewer, gas, electrical and water.

All buildings shall be constructed in conformance with the provisions in the Town's Flood Plain Ordinance. The intent is to have buildings sustain only minimal, if any, damage should a flood occur.

#### **8.5.29 Paved Areas**

Location of streets, walkways, bikeways, parking lots and other paved areas.

#### **8.5.30 Landscape Plan**

Unless otherwise approved by the Town Planner, the Landscape Plan shall be at the same scale as the Site Plan. In addition to relevant information from the Site Plan, the following information shall be supplied on the Landscape Plan drawing:

#### **8.5.31 Statement of Intent**

A statement regarding the general intent of the landscape plan, including such subjects as screening, berming, shade, privacy, wind control, phasing, and solar access.

#### **8.5.32 Paved Areas**

Location of streets, walkways, bikeways, parking lots and other paved areas.

#### **8.5.33 Structures**

Approximate location of all existing or planned structures within the PDP, including park development features such as playground equipment for public and private park areas.

#### **8.5.34 Location of Landscape Items**

The landscape plan shall show the location of plant and architectural materials (including items such as lighting, signage and fencing that are not already described in the PDP). Typical landscape plans may be provided for typical residential dwelling units, if approved by the Town Planner. Landscape plans shall be provided for the rear yards (as may be appropriate, as determined by the Town Planner) and HOA owned areas that are along major abutting roadways.

#### **8.5.35 Material List**

A general description of all the materials used in the landscape design shall be including the maximum height for ornamental grasses.

#### **8.5.36 Irrigation**

Narrative notes regarding the method, design and layout of irrigation facilities for all landscape areas. All areas, including native turf areas, must be irrigated.

#### **8.5.37 Phasing**

A description of any landscape phasing plan.

#### **8.5.38 Fencing Plan**

Provide the following information relative to the preparation of the fencing plan.

#### **8.5.39 Fencing Concept**

Provide a specific text description of the fencing to be used, indicating shape, size, material, color, and location.

#### **8.5.40 Fencing Plan**

Provide an overall map show the location of fencing and indicate in a legend the development and construction responsibility of all areas

#### **8.5.41 Fencing Elevations and Details**

Provide fencing elevations and details.

#### **8.5.42 Signage Plan**

Provide the following information relative to the preparation of the signage plan on a specific plan sheet.

#### **8.5.43 Signage Concept**

Provide a general description of the concept for the signage used.

#### **8.5.44 Signage Plan**

Provide specific information relative to the signs to be used, indicating shape, size, material, color, location and text of all permitted signs.

#### **8.5.45 Signage Details**

Provide signage details at a specific scale.

#### **8.5.46 Building Elevations**

Elevations of all sides of all proposed structures and improvements shall be shown on the PDP map and labeled to show the direction of the view. Typical elevations may be submitted for single-family dwellings; however, specific drawings for all elevations of

multi-family dwellings shall be submitted. A final architectural plan is not required by this section.

#### **8.5.47 Utility Plan**

For development applications that do not require a submittal of Final Utility Plans pursuant to Section 11.0, a map sheet shall be provided that shows all necessary public utilities and connections thereto necessary to serve the proposed development.

#### **8.5.48 Cross Sections**

If the Town Planner determines the development is in uniquely close proximity to other buildings, residential areas or below the existing grade of surrounding areas, cross sections of the property, including adjoining properties, shall be submitted. The location of the cross sections, the distance the cross sections need to be from the external property boundary, and the information to be shown on the cross sections will be determined by the Town Planner. The cross sections shall show all outdoor storage areas and buildings. The vertical scale shall not exceed four times the horizontal scale.

#### **8.5.49 Transportation, Park and Trails Sub-Area Plan**

The following sub-area transportation plans are required to be submitted with the PDP, unless otherwise directed by the Town Planner. The information can be combined onto one sheet.

- A. Sub-Area Vehicular Transportation Plan
- B. Sub-Area Non-Motorized Circulation Plan
- C. Sub-Area Park Plan

It is intended that this information be provided on a separate 24-inch by 36-inch map sheet and shall include an area of at least two miles from the external PDP boundary. The scale for this map shall be no smaller than 1-inch equals 1,000-feet, unless otherwise approved by the Town Planner. This map sheet should be added to the other map sheets and numbered sequentially there from. This sheet should identify existing and planned facilities within the noted area and planned within the PDP.

### **8.6 First Submittal Requirements**

The Applicant should submit five complete sets of the materials to the Planning Coordinator. The Planning Coordinator will distribute one copy each to the Town Engineer, the Town Planner, the Town Attorney, and Public Works for initial review. See Exhibit S for a summary of the items required. The Planning Coordinator will not distribute any application that is not accompanied by an executed Cost Agreement and Funds Deposit Agreement.

### **8.7 Application Review by Staff**

Within 30 days, or as soon as reasonably possible after an Applicant has submitted a development application, Town Staff will review the application to determine if the application is complete. If it is not complete, Town Staff will inform the Applicant of those items that need to be submitted or resubmitted.

### **8.8 Application Substantially Complete**

Once Town Staff determines that the application is substantially complete, Town Staff will inform the Applicant of that fact in writing.

### **8.9 Review Comments to Applicant**

Once Town Staff determines that the application is substantially complete Town Staff will review the application and provide review comments to the Applicant.

### **8.10 Second Submittal Requirements**

The Applicant shall address Town Staff review comments, as appropriate, and resubmit the number of copies as itemized in Exhibit S. A written response to each of staff's comments shall be provided. The Applicant shall return any redlined drawings, reports, etc. from the previous submittal.

### **8.11 Referral Mailings**

It shall be the responsibility of the Applicant to provide copies of the application materials to referral agencies noted in Exhibit P. The referral mailing shall include a CD of the complete application and a copy of the Firestone Referral Mailing Cover Sheet as shown in Exhibit P. The referral contents and the Cover Sheet shall be placed in appropriately sized envelopes with the proper postage. Addresses for referral mailings are shown in Exhibit P. This address list has been formatted to be copied onto a 1-inch by 4-inch mailing label sheet. The box in front of the entity on a particular mailing shall be checked consistent with the label on the same envelope (e.g. Check City of Dacono on the Referral Mailing Cover Sheet that is placed within the envelopes being mailed to the City of Dacono). The Applicant shall provide to the Planning Coordinator a notarized mailing affidavit stating that the referral mailings have been completed, a list of all parties notified and the date on which they were mailed. These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

### **8.12 Processing Schedule**

Once the Applicant has provided the Town with the Second Submittal, and Town Staff has found the Second Submittal to be substantially complete, Town Staff will prepare a processing schedule for the application. A copy of the schedule will be provided to the Applicant. If the application includes a subdivision request, the schedule shall provide that, after the second submittal is received and all referral and comment periods have been completed, the application shall be transmitted to the Planning Commission for

action within 30 days thereafter, unless the applicant requests or consent to a longer period of time.

### **8.13 Neighborhood Meeting**

A Neighborhood Meeting shall be held pursuant to Section 2.7.

### **8.14 Publications**

The Town Clerk will publish proper notice of the Planning Commission and Town Board meeting on the development application.

### **8.15 Notification to Owners of Interest and to Mineral Estate Owners**

**A. Owners of Interest.** The Applicant shall submit to the Town an Owners of Interest List as defined in these Regulations (e.g. surface owners, easement holders, and persons who have other legal or equitable interests in the property). The list shall include the names and address of such owners. This list shall be obtained based on records from the County Assessor's office and the Clerk & Recorder's office, and any more recent address information as may be available in telephone or other general use directories. The list must be certified by the Applicant in writing as true and complete within one month prior to submitting the development application. The applicant shall prepare the notice to be sent to Owners of Interest. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice, along with a vicinity map, shall be mailed by the Applicant, via certified mail, return receipt requested to the Owners of Interest. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the persons and entities on the Owners of Interest List, and mail receipts shall be delivered to the town at or prior to the hearing. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least 15 (15) days prior to the Planning Commission meeting, not including the day of the meeting.

**B. Mineral Estate Owners.** The Applicant shall be solely responsible for preparing and sending notice to Mineral Estate Owner(s) in the manner required by C.R.S. § 24-65.5-101 et seq., as amended from time to time, and for otherwise complying with the statute. The statute generally requires that notice of the initial public hearing be sent to the Mineral Estate Owner(s) not less than 30 days before the date scheduled for the hearing. The notice prepared by the Town for mailing to Owners of Interest and Surrounding Property Owners will not contain all of the information that must be included in the notice required by the statute to be sent to the Mineral Estate Owner(s). The Applicant therefore must prepare the proper notice and ensure it is mailed or delivered as required by law. Prior to opening the hearing, the Applicant shall

in writing certify to the Town that the Applicant has provided notice to the Mineral Estate Owner(s) as required by law. The certification shall be in a form acceptable to the Town and such certification shall be a condition of final approval of any application.

#### **8.16 Notification to Surrounding Property Owners**

The Applicant shall submit to the Town a Surrounding Property Owners List. The list shall include the names and address of such owners within 300-feet of the outside boundaries of the property subject to the development application. This list shall be based on records from the County Assessor's office and the County Clerk & Recorder's office, and must be certified by the Applicant as true and complete within one month prior to submitting this application. The applicant shall prepare the notice to be sent to Surrounding Property Owners. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified mail, return receipt requested to such Surrounding Property Owners. In addition, Notice shall be mailed in the same fashion to the Board of Directors of any owners association existing with respect to any adjoining property. The Town Planner may require the notice of such meeting (including the vicinity map) also be hand delivered to certain other entities. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they have been mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

#### **8.17 Property Posting**

Property Posting is required for zoning matters. At least fifteen (15) days prior to, but not including, the Planning Commission Public hearing date on the zoning matter the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator generally no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways with a maximum of four signs. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Property posting is not required where an annexation or zoning exclusively involves public right-of-way only.



### **8.18 Posting Log**

The sign posting log shall be provided to the Planning Commission at the Public Hearing. If the Posting Log is not provided, the meeting may be vacated or continued. The property posting log form is shown in Exhibit Q.

### **8.19 Staff Report for the Planning Commission**

By no later than the Friday prior to the Planning Commission meeting, Town Staff will complete a Staff Report. A copy of such report will be transmitted to the Applicant.

### **8.20 Preparation for Planning Commission**

The Monday prior to Planning Commission Public Hearing, the Applicant shall contact the Town Planner to discuss the Applicant's presentation materials and exhibits. The Town Planner may request that this conversation be at a meeting. The Town Planner will confirm that the Applicant will bring to the hearing the necessary graphic exhibits of the Application and other materials to assist the Planning Commission and the general public in clearly understanding the proposal in the limited time of the public hearing. Such graphic exhibits shall be of a size and color scheme to be easily discernable by the audiences. Also, an additional exhibit may be required so that it can be shown to the general public. If the Planner determines that the Applicant is unprepared for the presentation, then the Town Planner can inform the Town Manager of such fact and the Town Manager may require that the Public Hearing be VACATED until such necessary information is prepared.

### **8.21 Planning Commission Meeting**

Within 30 days, or as soon as reasonably possible, after the Town receives a complete application, the Planning Commission shall hold public hearing on the Preliminary Development Plan. Upon completion of the hearing, the Planning Commission shall, after commission deliberation, vote on the matter. Any motion should briefly state the findings of fact and conclusions of the Planning Commission with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions. The Planning Commission may vote to either recommend approval, approval with conditions, or denial of the application. As an alternative to taking action on the application at that meeting, the Planning Commission may act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or

- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to the Planning Commission at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain, as is mutually agreed upon by the Applicant and the Planning Commission, by which time the record and all evidence can be reviewed. At that time the Planning Commission can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

### **8.22 Third Submittal Materials**

After the Planning Commission meeting and prior to the Town Board meeting the Applicant shall provide the Planning Coordinator with additional copies of submittal items shown in Exhibit S. Prior to this submittal of these documents, the Applicant may desire to modify the application as recommended by the Planning Commission. The documents will need to be provided to the Town pursuant to the schedule prepared by the Town.

### **8.23 Publications**

Town Staff will publish proper notice of the Town Board meeting and public hearing.

### **8.24 Notification to Owners of Interest and to Mineral Estate Owners**

The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via regular mail to the Owners of Interest. The Applicant shall also prepare and mail or deliver a notice of the meeting to Mineral Estate Owners in the manner required by C.R.S. § 24-65.5-101, et seq., as amended from time to time. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Owners of Interest List and have been mailed or delivered to the entities on the Mineral Estate Owners List, and mail receipts and delivery receipts shall be delivered to the town at or prior to the hearing. The original of all returned receipts and delivery receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed or delivered at least fifteen (15) days prior to the Town Board meeting, not including the day of the meeting.

### **8.25 Notification to Surrounding Property Owners**

The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was published for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified return

receipt mail to such Surrounding Property Owners. In addition, Notice shall be mailed in the same fashion to the Board of Directors of such adjoining subdivision or condominium association. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they have been mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Town Board meeting, not including the day of the meeting.

#### **8.26 Property Posting by Applicant**

Property Posting is required for all zoning matters. At least fifteen (15) days prior to, but not including, the Town Board Public hearing date on the zoning matter, the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways with a maximum of four signs. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Such signs shall be returned to the Town or the recording of project documents may be suspended as determined by the Town Planner. Property posting is not required where an annexation or zoning exclusively involves public right-of-way only.

#### **8.27 Posting Log**

The sign posting log shall be provided to the Town Board at the Public Hearing. The posting log is shown in Exhibit Q.

#### **8.28 Staff Report for the Town Board**

By no later than the Friday prior to the Town Board meeting Town Staff shall prepare a Staff Report. As appropriate, Town Staff will amend the Staff Report that was submitted to the Planning Commission, for distribution to the Town Board. A draft resolution will typically be prepared in conjunction with the Staff Report. A copy of such report and resolution will be transmitted to the Applicant.

#### **8.29 Preparation for the Town Board Hearing**

The Monday prior to Town Board Public Hearing, the Applicant shall contact the Town Planner to discuss the Applicant’s presentation materials and exhibits. The Town Planner may request that this conversation be at a meeting. The Town Planner will confirm that the Applicant will bring to the hearing the necessary graphic exhibits of the Application and other materials to assist the Town Board and the general public in

clearly understanding the proposal in the limited time of the public hearing. Such graphic exhibits shall be of a size and color scheme to be easily discernable by the audiences. Also, an additional exhibit may be required so that it can be shown to the general public. If the Planner determines that the Applicant is unprepared for the presentation, then the Town Planner can inform the Town Manager of such fact and the Town Manager may require that the Public Hearing be VACATED until such necessary information is prepared.

### **8.30 Town Board Meeting**

Within 60 days or as soon as reasonably possible after recommendation of the Planning Commission, notice shall be mailed in the same fashion and the Board of Trustees shall hold a public hearing. If the recommendation of the Planning Commission is to approve or grant the proposed PDP, the Town Clerk shall place a resolution regarding the proposed PDP on the agenda of a meeting of the Board of Trustees.

The findings of fact and conclusions and recommendations of the Planning Commission, responses to referrals, and recommendations of planning staff shall be submitted to the Town Clerk immediately after the final decision of the Planning Commission and shall become a part of the record of the case before the Board of Trustees. The same shall be considered to be a public record and available in the office of the Town Clerk for examination by any person from the time of filing during regular business hours, including the members of the Board.

Upon completion of the hearing, the Board of Trustees shall, after board discussion, vote on the matter. Any action will briefly state the findings of fact and conclusions of the Board of Trustees with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions.

The Board shall vote to approve, approve with conditions, or deny the application or it may continue or table action on the application, or remand the application, as permitted by law. If the Board approves an application with conditions the Applicant shall make such modifications to the required text, maps, studies, etc. before the Mayor shall sign any necessary approval blocks.

The Board may also act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or

- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to the Board of Trustees at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain as is mutually agreed upon by the Applicant and the Board of Trustees by which time the record and all evidence can be reviewed. At that time the Board of Trustees can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

### **8.31 Final Document Preparation and Review**

Subsequent to any approval by the Town Board, the Applicant shall provide the Town with a paper copy of all documents amended by the Applicant, pursuant to conditions imposed by the Town Board. Town Staff will review these amended documents relative to any Town Board conditions. Once the documents appear satisfactory to Town Staff relative to the noted conditions, Town Staff will request the final documents are delivered to the Town for filing (See Exhibit S for the proper number and material of all final documents). If final documents are not filed with the Town within 120 days of the date of Town Board approval, approval of the documents shall lapse and the Applicant shall be required to submit a new application to be processed pursuant to the same procedures and requirements as the initial application. The PDP shall not be recorded by any party.

### **8.32 Filing and Maintenance of Final Documents**

The Town Planner will file and maintain the approved PDP in the Town offices. The PDP shall not be recorded.

## **9.0 Preliminary Plat**

Subdivisions shall be processed according to the requirements herein and Title 16 of the Town Code. The Preliminary Plat shall be processed simultaneously with the Preliminary Development Plan unless otherwise approved by the Town Planner or Town Engineer. The Preliminary Plat shall be processed concurrently with Preliminary Utility Plans. The PDP and Preliminary Plat can be processed jointly with an FDP and Final Plat; however, it is generally not recommended for Applicants to do so, as the level of detail associated with an FDP and Final Utility Plans is significantly greater than that of a PDP, Preliminary Plat and Preliminary Utility Plans. Approval by the Town of these preliminary documents assists the Applicant in understanding the Town's preliminary position on the development, prior to the effort associated with the final documents.

All plats shall be prepared by a Colorado Registered Professional Land Surveyor according to Colorado Revised Statutes pertaining to the preparation of Land Survey Plats and Platted Subdivisions in effect at the time of preparation or acceptance by the Town of Firestone.

## **9.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

## **9.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

### **9.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, these documents noted below shall also be provided in electronic format as noted in Chapter 2.

### **9.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5.

### **9.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

### **9.2.4 Vicinity Map**

A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **9.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the application date. The applicant shall provide endorsements updating the effective date as requested by the Town.

#### **9.2.6 Legal Description**

A legal description of the property to be subdivided, with the total acreage is required. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description. A computer version of the legal description (Word document) on CD is also required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

#### **9.2.7 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

#### **9.2.8 Water Rights Questionnaire**

A completed Water Rights Questionnaire (Exhibit L) must accompany the development application.

#### **9.2.9 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

#### **9.2.10 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

#### **9.2.11 Traffic Impact Study**

Unless waived by the Town Engineer, a Traffic Impact Study prepared pursuant to the requirements specified in Section 11.0 shall be required. The study can be included in the notebook or as a separate document.

#### **9.2.12 Soils Report**

Unless waived by the Town Engineer, a Soils Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **9.2.13 Drainage Report**

Unless waived by the Town Engineer, a Drainage Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **9.2.14 Hydraulic Analysis Report**

Unless waived by the Town Engineer a Hydraulic Analysis prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **9.2.15 Mine Subsidence Report**

Unless waived by the Town Engineer, a Mine Subsidence Report shall only be required for applications that have been undermined.

## **9.3 Response Letter**

For a second or third submittal (as described below) a letter shall be provide describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

## **9.4 Preliminary Plat Map Sheets**

The following information shall be supplied in drawing form. The information may be oriented either horizontally or vertically provided north is oriented to the top of any map.

The scale shall be 1-inch = 50-feet or 1-inch = 100-feet, unless otherwise approved by the Town Engineer. The Preliminary Plat shall be on sheets with outer dimensions of twenty-four inches by thirty-six inches (24" x 36") and shall contain the information noted in this section. Maps of two or more sheets shall be referenced to an index map placed on the first sheet. A margin of at least two (2) inches shall be reserved along the narrow left side of each drawing.

### **9.4.1 Firestone Information Block**

All Preliminary Plat sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

### **9.4.2 Title Block**

The title under which the subdivision is to be recorded. This name shall not duplicate the name of any existing subdivision in the Town of Firestone or Weld County. The following shall be clearly located on the top center of each sheet:

Preliminary Plat  
SUBDIVISION NAME  
Phase or Filing No.



Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

**9.4.3 Name**

The name under which the subdivision will be recorded. The name will not duplicate the name of any existing subdivision in the Town of Firestone or Weld County.

**9.4.4 Owner/Developers**

Name, address, telephone number, and email address of the owner/developer.

**9.4.5 Legal Description**

A legal description of the property to be subdivided, with the total acreage. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description.

**9.4.6 Parcel Boundaries**

A description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

**9.4.7 Technical Consultants**

Name, address, telephone number, and email address of the licensed surveyor, licensed engineer or other technical consultants involved with the plat.

**9.4.8 Scale and North Arrow**

The scale at which the plats are drawn and a graphic representation, and a symbol designating true North.

**9.4.9 Date**

The date of preparation of the Preliminary Plat, with revision dates noted as appropriate.

**9.4.10 Vicinity Map**

A Vicinity map shall to be added to the cover sheet of the Plat at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.

**9.4.11 Existing Streets and Easements**

The location and dimensions of all existing streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and names of all such streets.

#### **9.4.12 Adjacent Properties**

The names of all adjoining subdivisions with dotted lines of abutting lots; if the adjoining land is unplatted, it should be shown as such.

#### **9.4.13 Utilities, Rights-of-Way, Easements and Dedications**

Approximate existing and proposed locations and sizes of all easements, including, water, reuse water, sanitary sewer, drainage facilities, natural gas, telephone and electrical. An identification of the streets, alleys, easements, parks, and other public facilities as shown on the plat and a dedication thereof to the public use, or a cross reference to any previously recorded dedication. The Plat shall show the widths and names of existing and proposed abutting streets and widths of alleys.

#### **9.4.14 Lot and Block Identification**

A logical identification system for all lots and blocks and names of streets.

#### **9.4.15 Flood Plains**

Designation of any area subject to flooding and adequate easements for flood control, existing regulatory floodplain.

#### **9.4.16 Dimensions, Geometry and Monumentation**

All dimensions, both linear and angular, are to be determined by an accurate control survey in the field, which must balance and close within a limit of one in five thousand. No plat showing plus or minus dimensions will be approved.

#### **9.4.17 Lines and Street Geometry**

Lot lines should be perpendicular or radial to street rights-of-way unless circumstances may demand otherwise. Street intersections also should be perpendicular or radial to each other whenever possible.

#### **9.4.18 Dimensions**

Accurate dimensions for all lines, angles and curves used to describe boundaries, parcels, streets, alleys, easements, areas to be reserved for public use, and other important features. This shall include the exact location of all required monuments. These dimensions shall include the description of point(s) and the distance between point(s).

#### **9.4.19 Angles of Departure**

The Plat shall show the angle of departure of adjoining property, street, alley, and other boundary lines.

#### **9.4.20 Bearings and Angles**

Bearings on all exterior boundary and street centerline control. Angles between all lot lines. In the instance of a lot line intersecting the arc of a curve at an angle of other than 90° an angle shall be given from the lot line to the long chord of the arc involved.

#### **9.4.21 Curve Data**

All curve data including the following:

- A. Delta
- B. Radius
- C. Length of Curve
- D. Chord Length
- E. Chord Bearing

#### **9.4.22 Surveyors Statement**

A statement by the land surveyor explaining how bearings were determined. Magnetic bearings are not acceptable.

#### **9.4.23 Monument Record**

When it is necessary to re-establish, restore and rehabilitate a public land survey monument in order to comply with the requirements of above, the surveyor shall furnish a copy of the official survey Monument Record with the Plat.

#### **9.4.24 Surveyor**

A statement and signature by the land surveyor that the survey was performed by him or under his direct responsibility, supervision and checking and that the Plat accurately and properly shows said subdivision.

#### **9.4.25 Town Approval Block (NOT EXECUTED AT PRELIMINARY STEP)**

This is to certify that the Plat of (Name of Subdivision) was approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Resolution No. \_\_\_\_\_, and that the Mayor of the Town of Firestone on behalf of the Town of Firestone, hereby acknowledges said Plat upon which this certificate is endorsed for all purposes indicated thereon.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

#### **9.4.26 Lender Consent(s)**

The title to all public lands and public easements dedicated by the plat shall be free and clear of all monetary liens and encumbrances (such as mortgages, deeds of trusts, mechanic liens, etc.) If required by the Town, the plat shall contain consents by such interest holders, in the form required by the Town (see below). Subject to the approval

of the Town Attorney, a title insurance policy shall be provided upon recording insuring the Town's title to all public lands dedicated to it to be free and clear of all liens and encumbrances.

#### LENDER CONSENT

The undersigned, \_\_\_\_\_, a \_\_\_\_\_ banking corporation, as the beneficiary of a deed of trust recorded with the Weld County Clerk and Recorder at \_\_\_\_\_ and that constitutes a lien upon the Owner's property, hereby consents to the dedication of the streets, avenues, easements, Outlots, Tracts, and other public places as shown on this Final Plat of "\_\_\_\_\_", and hereby forever releases said lands from said lien.

#### **9.4.27 Ownership and Dedication (NOT EXECUTED AT PRELIMINARY STEP)**

Know all men by these presents, that the undersigned \_\_\_\_\_ (Names of all landowners) being the owner(s) of the land shown in this Preliminary Plat and described as follows:

#### **(LEGAL DESCRIPTION)**

Have laid out, subdivided and platted said land as per drawing hereon contained under the name and style of (Subdivision Name), a subdivision of a part of the Town of Firestone, County of Weld, State of Colorado, and by these presents do hereby dedicate to the Town of Firestone the streets, avenues (and other public places, tracts/outlots) as shown on the accompanying plat for the public use thereof forever and does further dedicate to the use of the Town of Firestone and all serving public utilities (and other appropriate entities) those portions of said real property which are so designated as easements as shown.

It is expressly understood and agreed by the undersigned that all expenses and costs involved in constructing and installing sanitary sewer system works and lines, water system works and lines, gas service lines, electrical service works and lines, landscaping, curbs, gutters, street pavement, sidewalks, and other such utilities and services shall be guaranteed and paid for by the Subdivider or arrangements made by the Subdivider thereof which are approved by the Town of Firestone, Colorado, and such sums shall not be paid by the Town of Firestone, and that any item so constructed or installed when accepted by the Town of Firestone shall become the sole property of said Town of Firestone, Colorado, except private roadway curbs, gutter and pavement and items owned by municipality franchised utilities, other serving public entities and/or Qwest, Inc., which when constructed or installed shall remain and/or become the property of such municipality franchised utilities, other serving public entities, and/or Qwest, Inc. and shall not become the property of the Town of Firestone, Colorado.

Owner:  
(Name(s) of Owners)

By: \_\_\_\_\_ By: \_\_\_\_\_  
Owner Owner

**9.4.28 Notary Certificate (in conjunction with owner's signatures)**

STATE OF COLORADO )  
 )SS  
COUNTY OF WELD )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

**9.5 Utility Plans**

Preliminary Utility Plans shall be submitted with the Preliminary Plat, unless waived by Town Engineer.

**9.6 Processing**

For all PUD's the Preliminary Plat shall be processed concurrently with the Preliminary Development Plan, and pursuant to the procedures contained in Sections 8.6 through 8.32. See Exhibit S for submittal requirements for both a Preliminary Plat and a Preliminary Development Plan. In rare cases where a Preliminary Plat is not processed with the Preliminary Development Plan, the submittal and processing requirements of Sections 8.6 through 8.32 shall apply, except for those which the Town Engineer or Town Planner have identified as not applicable to the subdivision request.

## **10.0 Final Development Plan**

All FDP applicants shall provide the following submittal requirements. It is the intent of the submittal requirements for the FDP to provide the Town with sufficient information to adequately evaluate the plan, and not create excessive or repetitive submittal demands on the Applicant. For planning related submittal requirements, the Town Planner has the right to add or waive any of the submittal requirements, stated herein, if in the Planner's determination any such requirement is not necessary to evaluate the intent, purpose or impact of the proposed development. The same authority is established for the Town Engineer for engineering related submittal requirements. Subdivision Final Plat review shall be, if necessary or appropriate, as determined by the Town Planner, carried out simultaneously with the FDP review. The Final Development Plan shall be, if necessary or appropriate as determined by the Town Engineer, processed concurrently with a Final Utility Plan.

## **10.1 Overall FDP**

An Overall Final Development Plan ("Overall FDP") may be submitted for an initial phase of a development in which such phase only involves the construction of public or private utilities, overall landscaping, roadways or other general site features. If an Overall FDP is submitted and approved, a PDP and an FDP still shall be submitted prior to building construction or for further site development not addressed in the Overall FDP, unless the PDP requirement is waived under the criteria of Section 17.22.030.a.2 of the Town Code. The requirements for an ODP, PDP and an FDP are as set forth in Title 17 and as stated herein. The submittal requirements for an Overall FDP are the same as those for an FDP, with the exception that no specific building information is required, as such information shall be provided in the forthcoming FDP. The Overall FDP shall include a statement that a site specific PDP and FDP shall be required for each lot or site prior to any further site development not addressed in the overall FDP or prior to the issuance of any building permit for building construction, and that the PDP requirement may only be waived as provided by the Town Code.

## **10.2 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

## **10.3 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

### **10.3.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, the documents noted below shall also be provided in electronic format as noted in Chapter 2.

### **10.3.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5.

### **10.3.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. An original copy with these agreements shall be provided with the First Submittal (the First Submittal is as described below) in a separate envelope labeled Cost Agreement and Funds Deposit Agreement, Attention Finance Department. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

### **10.3.4 Vicinity Map**

A vicinity map shall be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch format.

### **10.3.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the application date. The applicant shall provide endorsements updating the effective date as requested by the Town.

### **10.3.6 Legal Description**

An overall legal description of the perimeter of the FDP is required. In addition, separate legal descriptions are required for each proposed land use category included in the FDP. The total acreage should be identified. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description. A computer version of the legal description (Word document) on CD is also required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

### **10.3.7 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

### **10.3.8 Water Rights Questionnaire**

A completed Water Rights Questionnaire (Exhibit L) must accompany the development application.

### **10.3.9 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

#### **10.3.10 Water Dedication**

For non-residential applications, the Applicant must submit some form of documentation supporting their domestic water use estimate. The most reliable information would be one year's worth of actual water bills from a similar size and type of building. If that is not available, the Applicant shall provide other documentation acceptable to the Town Engineer.

#### **10.3.11 Water Service Calculations**

The Applicant shall submit AWWA M22 water service sizing calculations.

#### **10.3.12 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

#### **10.3.13 Traffic Impact Study**

Unless waived by the Town Engineer, a Traffic Impact Study prepared pursuant to the requirements specified in Section 11.0 shall be required. The study can be included in the notebook or as a separate document.

#### **10.3.14 Soils Report**

Unless waived by the Town Engineer, a Soils Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

#### **10.3.15 Drainage Report**

Unless waived by the Town Engineer, a Drainage Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

#### **10.3.16 Hydraulic Analysis Report**

Unless waived by the Town Engineer a Hydraulic Analysis prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

#### **10.3.17 Mine Subsidence Report**

Unless waived by the Town Engineer, a Mine Subsidence Report shall only be required for applications that have been undermined.

### **10.4 Response Letter**

For a second or third submittal (as described below) a letter shall be provided describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.



## **10.5 FDP Cover and Text Sheets**

The following information shall be prepared on sheets 24-inches by 36-inches in size and supplied at the beginning and in sequence with the FDP map sheets. This information shall be provided in the same order as noted below. An additional duplicate copy of such text shall also be provided in an 8.5x11-inch format (in a convertible electronic format on the required CD) in the application notebooks for review by Town staff, Planning Commission and the Town Board during the development review process.

### **10.5.1 Firestone Information Block**

All FDP sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

### **10.5.2 Title Block**

The following title information shall be clearly located on each page of the text sheets and at the top center of each drawing sheet.

Final Development Plan  
Project or Development Name  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

### **10.5.3 Vicinity Map**

A vicinity map shall be added to the cover sheet of the FDP at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.

### **10.5.4 Owner/Developers**

The name, address, phone number and email addresses of the owner(s) (and developer if different than the owner).

### **10.5.5 Technical Consultants**

Names, addresses, phone numbers and email addresses of planning, architectural, engineering and other technical consultants involved with the submittal of the FDP.

### **10.5.6 Legal Description**

An overall legal description of the perimeter of the FDP is required. In addition, separate legal descriptions are required for each proposed land use category included in the FDP. The total acreage should be identified. All legal descriptions shall be metes and

bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description.

#### **10.5.7 Project Concept**

A statement of the character and development concept of the FDP and of how the FDP has been planned to incorporate the goals and objectives of the PUD district.

#### **10.5.8 Land Use Table**

A land use table that shows building coverage and gross building square footage for each building. The percentage of paved areas, park areas, parking areas, oil/gas well setback areas, landscaping open space areas, and other definable areas in relationship to the gross area of the FDP shall also be shown. For residential single-family applications, the land use table shall include a detailed breakdown of lot sizes based on the following tiers:

<b>Lot Size (square feet)</b>
0-10,000
10,001-12,500
12,501-15,000
15,001-17,500
17,501-20,500
20,501-23,000
23,001-25,500
25,501-28,000
28,001-30,500
30,501-33,000
33,001-35,500
35,501-38,000
38,001-41,000
41,001-43,500

#### **10.5.9 Residential Densities**

Gross and net residential density of any residential uses shall be shown in dwelling units per acre. Minimum and maximum lot sizes shall also be provided.

#### **10.5.10 Environmental Impact Mitigation**

A description of special treatment for any environmentally significant area, hazard or feature, including scenic corridors and archaeological sites.

#### **10.5.11 Private Maintenance and Enforcement**

Agreements, provisions, or covenants which are intended to govern the use, maintenance and continued protection of the FDP and any of its common areas and landscaped areas, including a statement of responsibility for park development, if applicable.

#### **10.5.12 Parks, Trails and Open Space**

A description of any public and private open space, greenbelts and trail areas and the maintenance responsibility for each.

#### **10.5.13 Controls**

A statement shall be included in the FDP that specifies how any common open space shown in the FDP will be developed and maintained. Copies of any agreements, conveyances, restrictions or covenants which will govern the use, maintenance, and continued protection of the FDP and any of its park, open space, common area, or joint ownership areas shall also be provided.

#### **10.5.14 Drainage**

A description of all drainage courses and planned improvements. The timing of such improvement shall also be stated.

#### **10.5.15 Utilities**

A general description of all utility systems and improvements that are required to serve the development, at the time of development

#### **10.5.16 Water Dedication**

Include the appropriate water dedication paragraph for the application pursuant to Exhibit X.

#### **10.5.17 Parking**

The number of parking spaces for each land use and the total square footage of internal landscaping within each parking area. Internal landscaping includes all landscaping within and including adjacent buffer and setback areas.

#### **10.5.18 Architecture**

A description of architectural treatments for all building elevations and other site features. A final architectural plan relative to the building permit process is not required by this section.

Include the following notes and chart:

## **Architecture**

### General Standards

Architectural standards will conform to town regulations and municipal code as they may be amended from time to time.

### Elevations

Sample architectural elevations indicating the general architectural style homes are shown on Sheets \_\_\_\_\_. All homebuilders shall submit plans that are generally consistent with the noted sample elevations and meets the architectural and development standards noted below:

1. Generally, when looking at the Front of any lot, the Right Elevation is to the right of the Front, the Left Elevation is to the left of the Front and the Rear Elevation is opposite the Front of the lot (i.e. the Front Elevation).
2. Rock means rock, brick, stone or cultured stone.
3. All homes shall have a minimum of 25% of the entire front elevation (with the area of the garage also included in the calculation) in rock. The Town Planner in his sole discretion may reduce the requirement to 20%, if it can be demonstrated that the elevation does not need 25% to be aesthetically pleasing or to avoid a situation where rock would be required on the second story.
4. All homes shall meet the following architectural standards:
  - A. All lap siding shall be no less than 8-inches with no less than a 7-inch exposure. Cottage siding is prohibited.
  - B. All windows and building corners must have a minimum of a 4-inch trim board.
  - C. Roof materials shall be dimensional asphalt shingle treatment designed to provide increased contrast and shadows. The roof colors shall coordinate with or complement the main color of the structure.
  - D. Similar house elevations shall not be placed next to or directly across from one another.
  - E. Detached garages are not permitted.
  - F. All residential homes shall be "stick built" and have a minimum of a two car garage.

- G. All homes shall have a minimum floor area of \_\_\_\_\_ square feet for ranch plans (single story) and \_\_\_\_\_ square feet for multi-level plans. Notwithstanding the foregoing, all homes that directly back up to (fill in with name of arterial street) on lots in excess of \_\_\_\_\_ square feet shall have a minimum floor area of \_\_\_\_\_ square feet for multi-level plans. A minimum floor area of \_\_\_\_\_ square feet for ranch plans is acceptable on such lots. In all cases the calculation of floor area does not include the floor area of any part of the garage, basement, attic, deck, patio or other similar accessory area.
  - H. All homes shall have a basement where technically feasible as determined by the Town Engineer. Where a basement is not feasible, the homes shall have “crawl spaces”.
  - I. Any elevation that has rock, brick or cultured stone at the base of the elevation, such material shall wrap around at least 2-feet on to the adjoining elevation.
5. Enhanced Elevation Option 1 shall mean the elevation shall have a minimum of 25% rock or cultured stone, with at least one window. All windows shall have shutters. The Town Planner in his sole discretion may, on a case by case basis, waive the requirement for a window, if it can be demonstrated that the window would not be prominent to the view from (fill in with name of arterial street), conflict with the interior architecture or conflict with windows on an adjoining home. The following items shall also be included in with Option 1:
- A. The rear elevation must include at least two windows or one window and one doorway.
  - B. The rear elevation shall have a minimum of two roof breaks to create a variation in roof massing.
  - C. The rear wall shall include at least one of the following elements.
    - 1. Angled or box bay.
    - 2. Deck or balcony.
6. Enhanced Elevation Option 2 shall mean the elevation shall have at least one window. All windows shall have shutters. The Town Planner may on a case by case basis, in his sole discretion waive the requirement for a window on any elevation, if it can be demonstrated that the window would not be prominent to the view from (fill in with name of arterial street), conflict with the interior

architecture or conflict with windows on an adjoining home. The following items shall also be included in with Option 2:

- A. The rear elevation shall have a minimum of two roof breaks to create a variation in roof massing.
  - B. Decorative gable end vent or vents.
  - C. The rear wall shall include at least one of the following elements.
    - 1. Angled or box bay.
    - 2. Deck or balcony.
7. At time of Final Development Plan for each filing, an enhanced elevations table will be provided which identifies the architectural treatments required for the noted lots in the FDP Filing in a form similar to the chart noted below.

Lot Number	Elevations and Option Number		
	Right	Left	Rear
<b>Block 1</b>			
<b>1</b>			
<b>2</b>			
<b>Block 2</b>			
<b>1</b>			
<b>2</b>			

#### Foundation Walls

- 1. The maximum amount of foundation wall permitted to be exposed above finished grade is 8".

#### Address Signs

- 1. Street addresses are to be prominently displayed in contrasting color plainly visible from the street.

#### Accessory Buildings

- 1. Each lot will be allowed a maximum of one accessory building, not including a freestanding garage and shall be set back at least five feet from any property line. Accessory buildings are not permitted in the front yards, side yards that face a public street, within utility easements or within oil and gas well setbacks. The square footage of the accessory building located on the ground shall be no larger than 200 square feet of floor area and may not exceed a height of twelve

feet. Construction materials shall be similar to the primary building and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient. Drainage from the roof of the shed shall not be permitted to run off onto the property of another nor shall it run off into the foundation of the main structure.

#### **10.5.19 Setbacks**

The setbacks for all buildings, accessory buildings and other structures from roadways and/or property lines shall be specified in a table format.

Include the following notes:

##### Setbacks

- Decks may be covered provided such cover does not extend into the building setbacks.
- Uncovered decks are permitted if they meet the following standards:
  - A deck shall be no closer than 14 feet from the rear property line. Deck setbacks shall be measured from the lot line to any portion of the deck.
  - No deck shall be constructed within the side setbacks or upon any established easement.
  - Decks shall be no greater than 30 inches in height unless the deck is constructed within the standard building setback.

#### **10.5.20 Development Schedule**

The approximate date on which construction of the project will begin, the stages in which the project will be built, including a description and depiction of the proposed phase or phases into which the project will be divided for the purpose of development, the approximate date when the construction of each stage will begin, the approximate rate of development, the interim uses and treatment of areas waiting to be developed, the approximate dates when the development of each of the stages in the development will be completed and the area and location of common open space that will be provided at each stage of the development. The specific development schedule for all HOA and public parks shall also be stated. The specific development schedule for all fencing to be constructed by the developer shall also be stated. Include a plan expiration statement.

#### **10.5.21 Approval Blocks**

Approval Blocks as follows:

Firestone

Development Regulations

March 2014 (TB Resolution No. 14-16)

Approved by the Town Board of Trustees of the Town of Firestone, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

#### **10.5.22 Acceptance Block and Notary**

By signing this FDP, the owner acknowledges and accepts all of the requirements and intent set forth herein.

\_\_\_\_\_  
OWNER

STATE OF COLORADO                    )  
  )SS  
COUNTY OF WELD                    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_, by \_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

#### **10.6 FDP Map Sheets**

The following information shall be supplied in drawing form. The size of the FDP drawings shall be 24 inches by 36 inches. The information may be oriented either horizontally or vertically provided north is oriented to the top of any map. The following 13 individual drawings are required. These plans shall be numbered sequentially in the order shown and use the same “graphic architectural standards” throughout.

- A. Project Plan
- B. Tract Plan
- C. Site Plan
- D. Grading Plan
- E. Landscape Plan
- F. Irrigation Plan



- G. Fencing Plan
- H. Signage Plan
- I. Address Map
- J. Building Elevations
- K. Site Details
- L. Utility Plan
- M. Cross Sections
- N. Lighting and Photometric Plan
- O. Sub-Area Plans

The following information shall be supplied with all the required drawings:

#### **10.6.1 Firestone Information Block**

All FDP sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

#### **10.6.2 Title Block**

The following information shall be clearly located on the top center of each sheet:

Final Development Plan  
Project or Development Name  
Phase or Filing No.  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

#### **10.6.3 Scale and North Arrow**

The scale at which the drawings are drawn and a graphic representation, and a symbol designating true North.

#### **10.6.4 Dimensions**

Where appropriate on all map sheets, general plan dimensions shall be shown.

#### **10.6.5 Parcel Boundaries**

Where appropriate, a description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

#### **10.6.6 Project Plan**

An overall plan of the project at whatever scale necessary to show the entire development on one 24-inch by 36-inch sheet, including a depiction of each proposed phase or phases into which the project will be divided for purposes of development.

#### **10.6.7 Tract Plan**

The Tract Plan shall show all streets, lots and development areas. The plan shall be at a scale to fit on one 24-inch by 36-inch sheet unless otherwise directed or approved by the Town Planner. All proposed Tracts shall be clearly identified.

#### **10.6.8 Maintenance Table**

A maintenance table shall be provided showing the ownership and maintenance responsibilities of each tract.

#### **10.6.9 Site Plan**

The Site Plan shall be drawn at one of the following scales: 1-inch = 50-feet, 1-inch = 40-feet, 1-inch = 30-feet or 1-inch = 20-feet, unless another scale is determined appropriate by the Town Planner. If the Site Plan map does not fit onto one sheet, at the noted scale, an additional overall map of the development shall be provided. This map will be a reduction of the plan so that it all fits onto a 24x36-inch sheet. If necessary, this sheet shall be the first sheet after the FDP text sheets. The following information shall be supplied on the Site Plan drawing:

#### **10.6.10 Adjacent Properties**

A list of contiguous property uses and subdivision names (and reception numbers if plats have been recorded).

#### **10.6.11 Structures and Improvements**

Approximate location of all existing or planned structures within the FDP and within one hundred fifty feet of its external boundary. Approximate finish first floor elevations are required for an existing or planned structure within the FDP or within one hundred fifty feet of its external boundary. If available, approximate finish first floor elevations of any unconstructed structure with an approved FDP within one hundred fifty feet of the external FDP boundary shall also be shown and indicated as such. Typical plans may be submitted for one-family, two-family and multiple dwellings. FDP's for all structures with two or more floors shall show final ground elevations within 10-feet of the buildings and finish floor elevations of the lowest level.

#### **10.6.12 Roadways, Right-of-Ways and Easements**

Specific location and dimensions of all existing and proposed roadways, alleys and access easements other rights-of-way and other utility easements. Private drives shall be indicated as such. Existing and proposed points of ingress and egress shall be

shown. Typical sections shall be included for all existing or planned roadways, showing applicable dimensions.

#### **10.6.13 Paved Areas**

Location and type of surfacing for streets, walkways, bikeways, parking lots and other paved areas. Walkways and trails shall be shown using clearly identifiable graphic symbol for each type of trail.

#### **10.6.14 Setbacks and Lot Lines**

Location and dimension of lot lines and setback lines.

#### **10.6.15 Corner Lot Orientation**

For all platted lots, use an arrow to identify the front of the lot toward which the building shall face.

#### **10.6.16 Outdoor Storage Areas**

Any area used or intended to be used for outdoor storage.

#### **10.6.17 Open Space Areas**

Location and dimension of all open space areas and private greenbelts. For residential uses in a mixed-use sub-district, the location of any required park areas shall be shown. For park areas, especially those dedicated to the Town, a park development plan and site details shall be provided.

#### **10.6.18 Land Use**

Existing land uses and/or subdivisions within 300-feet of the FDP boundary and the existing and proposed land uses and acreages within the FDP.

#### **10.6.19 Trash Disposal Areas**

Location, dimension, color, and construction materials for all trash disposal areas.

#### **10.6.20 Mailboxes, Signs, Lighting and Advertising Devices**

Location, height and size of existing and proposed freestanding mailboxes (including neighborhood mailboxes in residential areas), signs, exterior lighting and other advertising devices.

#### **10.6.21 Street Lights**

Location of all street lights.

#### **10.6.22 Utilities**

Location and screening of all utilities, whether building or ground mounted. Typical screening details, as appropriate.

#### **10.6.23 Vegetation**

Any existing forested areas and areas composed of unique vegetation to remain after construction.

#### **10.6.24 Drainage Information**

Designation of areas subject to the 100-Year Floodway and Flood Storage Area.

#### **10.6.25 Cultural Impact Information**

Designate sites of historic, archaeological, or paleontological significance, identified by the State Archaeologist or State Historical Society, which are on the proposed site of development. If necessary, this information must include an assessment of the mitigation measures or other proposals for preservation or identification of such sites, and the location of the areas.

#### **10.6.26 Grading Plan and Drainage**

Unless otherwise approved by the Town Planner, the Grading Plan shall be at the same scale as the Site Plan. In addition to relevant information from the Site Plan, the following information shall be supplied on the Grading Plan drawing:

#### **10.6.27 Existing Contours**

Existing contours shall be shown in all directions from the external FDP boundary for a minimum distance of 50-feet. All off-site contour lines, which have been approved by the Town or the County, as appropriate, for all adjacent platted properties which have not been constructed, within the distances noted above, shall be shown and noted as such.

#### **10.6.28 Proposed Contours**

Proposed contour lines shall be shown at 1-foot intervals, unless otherwise approved by the Town. In areas with extreme topographical relief, such as the mountains, contour lines at intervals of 2-foot need only be exhibited in the vicinity of buildings or areas of significant grading, such as parking areas, as practical. Other areas may be shown with proposed contour lines at intervals of 5 or 10-feet; whichever is determined reasonable by the Town.

#### **10.6.29 Drainage Information**

Designation of areas subject to the 100-Year Floodway and Flood Storage Area. This information shall be provided by the Town Engineer. If this information is not available, a tentative flood plain will be defined by agreement between the Town Engineer and the owner/developer's engineer, according to generally accepted engineering standards, practices, and procedures of the Town of Firestone, Urban Drainage and Flood Control District, FEMA, and other pertinent regulatory agencies. Any FDP that includes any area subject to the 100-Year Flood shall generally show that adequate drainage is provided in order to reduce the exposure of flood hazards to the property, adjoining property and all public utilities including, sewer, gas, electrical and water.

All buildings shall be constructed in conformance to the provisions in the Town's Flood Plain Ordinance. The intent is to have buildings sustain only minimal, if any, damage should a flood occur.

#### **10.6.30 Paved Areas**

Location of streets, walkways, bikeways, parking lots and other paved areas.

#### **10.6.31 Finish First Floor Elevations**

Approximate location of all existing or planned structures within the FDP or within 150-feet of its external boundary. Minimum finish first floor elevations are required for any planned or existing structures. Add a note that final finish elevations shall not exceed minimum finish floor elevations by more than 2 feet.

#### **10.6.32 Landscape Plan**

Unless otherwise approved by the Town Planner, the Landscape Plan shall be at the same scale as the Site Plan. In addition to relevant information from the Site Plan, the following information shall be supplied on the Landscape Plan drawing:

#### **10.6.33 Statement of Intent**

A text statement regarding the general intent of the landscape plan, including such subjects as screening, berming, shade, privacy, wind control, phasing, and solar access.

#### **10.6.34 Paved Areas**

Location of streets, walkways, bikeways, parking lots and other paved areas.

#### **10.6.35 Structures**

Approximate location of all existing or planned structures within the FDP, including park development features such as playground equipment for public and private park areas.

#### **10.6.36 Location of Landscape Items**

The landscape plan shall show the location of plant and architectural materials (including items such as lighting, signage and fencing that are not already described in the FDP). Typical landscape plans may be provided for typical residential dwelling units, if approved by the Town Planner. Landscape plans shall be provided for the rear yards (as may be appropriate, as determined by the Town Planner) and HOA owned areas that are along major abutting roadways.

#### **10.6.37 Material List**

A description of all the materials used in the landscape design shall be included; specifically a plant list, that identifies the species, quantity size, and condition of the plant material used.

#### **10.6.38 Phasing**

A description of the procedure, method, timing and general water demand impacts of any landscape phasing plan.

#### **10.6.39 Landscape Elevations and Details**

Design details shall be included for both plant and architectural materials. Installation details shall also be included for irrigation and plant materials. Identify and include details for ornamental grasses including the maximum height.

#### **10.6.40 Irrigation Plan**

The method, design and layout of irrigation facilities for all landscape areas. Details shall also be provided. All areas, including native turf areas, must be irrigated.

#### **10.6.41 Fencing Plan**

Provide the following information relative to the preparation of the fencing plan.

#### **10.6.42 Fencing Concept**

Provide a specific text description of the fencing to be used, indicating shape, size, material, color, and location.

#### **10.6.43 Fencing Plan**

Provide an overall map showing the location of fencing and indicate in a legend the development and construction responsibility of all areas

#### **10.6.44 Fencing Elevations and Details**

Provide fencing elevations and details.

#### **10.6.45 Signage Plan**

Provide the following information relative to the preparation of the signage plan on a specific plan sheet.

#### **10.6.46 Signage Concept**

Provide a general description of the concept for the signage used.

#### **10.6.47 Signage Plan**

Provide specific information relative to the signs to be used, indicating shape, size, material, color, location and text of all permitted signs.

#### **10.6.48 Signage Details**

Provide signage details at a specific scale.

#### **10.6.49 Address Map**

The FDP shall include an address map. Firestone addressing convention information is shown as Exhibit T. Each lot within the FDP shall be addressed pursuant to direction by the Town Engineer. The address plat shall properly relate to the orientation of the lot and building shown in the Site Plan.

#### **10.6.50 Building Elevations**

Elevations of all sides of all proposed structures and improvements shall be shown on the FDP map and labeled to show the direction of the view. Typical elevations may be submitted for single-family dwellings; however, specific drawings for all elevations of multi-family dwellings shall be submitted. Said plans shall include the type, style, and color of wall finish, roofing, stairs, architectural appendages, and other design features of the structures. A final architectural plan is not required by this section.

#### **10.6.51 Site Details**

Provide a map sheet that shows typical details for the following: fences, mechanical screening or camouflaging, benches, fountains, freestanding mailboxes, trash enclosures, bus shelters, and sculptures.

#### **10.6.52 Utility Plan**

For development applications that do not require a submittal of Final Utility Plans pursuant to Section 11.0, a map sheet shall be provided that shows all necessary public utilities and connections thereto necessary to serve the proposed development.

#### **10.6.53 Cross Sections**

If the Town Planner determines the development is in uniquely close proximity to other buildings, residential areas or below the existing grade of surrounding areas, cross sections of the property, including adjoining properties, shall be submitted. The location of the cross sections, the distance the cross sections need to be from the external property boundary, and the information to be shown on the cross sections will be determined by the Town Planner. The cross sections shall show all outdoor storage areas and buildings. The vertical scale shall not exceed four times the horizontal scale.

#### **10.6.54 Lighting and Photometric Plan**

For any commercial project, provide a lighting and photometric plan that examines the degree to which exterior night lighting affects an adjacent street, property owner or community. Such plan shall consider the light source, level of illumination, hours of illumination and need for illumination in relation to the effects of the lighting on adjacent streets, property owners and the neighborhood. The photometric plan shall depict the anticipated light levels generated by all exterior lights across the site and ten feet (10') beyond the property lines.

#### **10.6.55 Transportation, Parks and Trails Sub-Area Plan**

The following sub-area transportation plans are required to be submitted with the FDP, unless otherwise directed by the Town Planner. The information can be combined onto one sheet.

- A. Sub-Area Vehicular Transportation Plan
- B. Sub-Area Non-Motorized Circulation Plan
- C. Sub-Area Park Plan

It is intended that this information be provided on a separate 24-inch by 36-inch map sheet and shall include an area of at least two miles from the external ODP boundary. The scale for this map shall be no smaller than 1-inch equals 1,000-feet, unless otherwise approved by the Town Planner. This map sheet should be added to the other map sheets and numbered sequentially. This sheet should identify existing and planned facilities within the noted area and planned within the FDP.

#### **10.7 First Submittal Requirements**

Once all the application materials are received, the Applicant should submit five complete sets of the materials to the Planning Coordinator. The Planning Coordinator will distribute one copy each to the Town Engineer, the Town Planner, the Town Attorney, and Public Works for initial review. See Exhibit U for a summary of the items required. The Planning Coordinator will not distribute any application that is not accompanied by an executed Cost Agreement and Funds Deposit Agreement.

#### **10.8 Application Review by Staff**

Within 30 days, or as soon as reasonably possible after an Applicant has submitted a development application, Town Staff will review the application to determine if the application is complete. If it is not complete, Town Staff will inform the Applicant of those items that need to be submitted or resubmitted.

#### **10.9 Application Substantially Complete**

Once Town Staff determines that the application is substantially complete, Town Staff will inform the Applicant of that fact in writing.

#### **10.10 Review Comments to Applicant**

Once Town Staff determines that the application is substantially complete Town Staff will review the application and provide review comments to the Applicant.

#### **10.11 Second Submittal Requirements**

The Applicant shall address Town Staff review comments, as appropriate, and resubmit the number of copies as itemized in Exhibit U. A written response to each of staff's comments shall be provided. The Applicant shall return any redlined drawings, reports, etc. from the previous submittal.



### **10.12 Referral Mailings**

It shall be the responsibility of the Applicant to provide copies of the application materials to referral agencies noted in Exhibit P. The referral mailing shall include a CD of the complete application and a copy of the Firestone Referral Mailing Cover Sheet as shown in Exhibit P. The referral contents and the Cover Sheet shall be placed in appropriately sized envelopes with the proper postage. Addresses for referral mailings are shown in Exhibit P. This address list has been formatted to be copied onto a 1-inch by 4-inch mailing label sheet. The box in front of the entity on a particular mailing shall be checked consistent with the label on the same envelope (e.g. Check City of Dacono on the Referral Mailing Cover Sheet that is placed within the envelopes being mailed to the City of Dacono). The Applicant shall provide to the Planning Coordinator a notarized mailing affidavit stating that the referral mailings have been completed, a list of all parties notified and the date on which they were mailed. These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

### **10.13 Processing Schedule**

Once the Applicant has provided the Town with the Second Submittal, and Town Staff has found the Second Submittal to be substantially complete, Town Staff will prepare a processing schedule for the Application. A copy of the schedule will be provided to the Applicant. If the application includes a subdivision request, the schedule shall provide that, after the second submittal is received and all referral and comment periods have been completed, the application shall be transmitted to the Planning Commission for action within 30 days thereafter, unless the applicant request or consent to a longer period of time.

### **10.14 Neighborhood Meeting**

A Neighborhood Meeting shall be held pursuant to Section 2.7.

### **10.15 Publications**

Town Staff will publish proper notice of the Planning Commission and Town Board meeting on the development application.

### **10.16 Notification to Owners of Interest and Mineral Estate Owners**

**A. Owners of Interest.** The Applicant shall submit to the Town an Owners of Interest List as defined in these Regulations (e.g. surface owners, easement holders, and persons who have other legal or equitable interests in the property). The list shall include the names and address of such owners. This list shall be obtained based on records from the County Assessor's office and the Clerk & Recorder's office, and any more recent address information as may be available in telephone or other general use directories. The list must be certified by the Applicant in writing as true and complete within one month prior to submitting the development application. The

applicant shall prepare the notice to be sent to Owners of Interest. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice, along with a vicinity map, shall be mailed by the Applicant, via certified mail, return receipt requested to the Owners of Interest. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the persons and entities on the Owners of Interest List, and mail receipts shall be delivered to the Town at or prior to the hearing. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least 15 (15) days prior to the Planning Commission meeting, not including the day of the meeting.

**B. Mineral Estate Owners.** The Applicant shall be solely responsible for preparing and sending notice to Mineral Estate Owner(s) in the manner required by C.R.S. § 24-65.5-101 et seq., as amended from time to time, and for otherwise complying with the statute. The statute generally requires that notice of the initial public hearing be sent to the Mineral Estate Owner(s) not less than 30 days before the date scheduled for the hearing. The notice prepared by the Town for mailing to Owners of Interest and Surrounding Property Owners will not contain all of the information that must be included in the notice required by the statute to be sent to the Mineral Estate Owner(s). The Applicant therefore must prepare the proper notice and ensure it is mailed or delivered as required by law. Prior to opening the hearing, the Applicant shall in writing certify to the Town that the Applicant has provided notice to the Mineral Estate Owner(s) as required by law. The certification shall be in a form acceptable to the Town and such certification shall be a condition of final approval of any application.

**C. Qualifying Surface Developments.** For development applications for a “qualifying surface development”, which is defined as an application for development covering at least 160 gross acres, plus or minus 5 percent, within the Greater Wattenberg Area pursuant to C.R.S. § 24-65.5-102(5.7), the Applicant shall certify that either: (1) no mineral estate owner has entered an appearance or filed an objection to the proposed application for development within 30 days after the initial public hearing; (2) that the applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing within 30 days of the initial public hearing have executed a surface use agreement related to the property, and that the provisions of the surface use agreement have been incorporated into the application for development or are evidenced by a memorandum recorded in the records of the clerk and recorder of Weld County so as to provide notice to transferees of the Applicant; or (3) that the application for development provides (a) access to mineral operations, surface facilities, flowlines, and pipelines in support of such operations existing when the final public hearing on the application is held by means of public roads sufficient to withstand trucks and drilling

equipment or 30 foot wide access easements; (b) an oil and gas operations area and existing wellsite locations in accordance with C.R.S. § 24-65.5-103.5; and (c) that the deposit for incremental drilling costs described in C.R.S. § 24-65.5-103.7 has been made. The certification shall be in a form acceptable to the town and said certification shall be a condition of final approval.

#### **10.17 Notification to Surrounding Property Owners**

The Applicant shall submit to the Town a Surrounding Property Owners List. The list shall include the names and address of such owners within 300-feet of the outside boundaries of the property subject to the development application. This list shall be based on records from the County Assessor's office and the County Clerk & Recorder's office, and must be certified by the Applicant as true and complete within one month prior to submitting this application. The applicant shall prepare the notice to be sent to Surrounding Property Owners. The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published by the Town for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified return receipt requested to such Surrounding Property Owners. In addition, Notice shall be mailed in the same fashion to the Board of Directors of any owners association existing with respect to any adjoining property. The Town Planner may require the notice of such meeting (including the vicinity map) also be hand delivered to certain other entities. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they have been mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as "undeliverable" by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Planning Commission meeting, not including the day of the meeting.

#### **10.18 Property Posting**

Property Posting is required for zoning matters. At least fifteen (15) days prior to, but not including, the Planning Commission Public hearing date on the zoning matter the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways with a maximum of four signs. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Such signs shall be returned to the Town or the recording of project documents may be suspended as determined by the Town Planner.

Property posting is not required where an annexation or zoning involves public right-of-way only.

#### **10.19 Posting Log**

The sign posting log shall be provided to the Planning Commission at the Public Hearing. The property posting log form is shown in Exhibit Q.

#### **10.20 Staff Report for the Planning Commission**

By no later than the Friday prior to the Planning Commission meeting, Town Staff will complete a Staff Report. A copy of such report will be transmitted to the Applicant.

#### **10.21 Planning Commission Meeting**

Within 30 days, or as soon as reasonably possible, after a complete application is transmitted to it, the Planning Commission shall hold a public hearing on the zoning of the property preliminary development plan. Upon completion of the hearing, the Planning Commission shall, after commission deliberation, vote on the matter. Any motion should briefly state the findings of fact and conclusions of the Planning Commission with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions. The Planning Commission may vote to either recommend approval, approval with conditions, or denial of the application. As an alternative to taking action on the application at that meeting, the Planning Commission may act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to Planning Commission at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain as is mutually agreed upon by the Applicant and the Planning Commission by which time the record and all evidence can be reviewed. At that time the Planning Commission can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

### **10.22 Third Submittal Materials**

After the Planning Commission meeting and prior to the Town Board meeting the Applicant shall provide the Planning Coordinator with additional copies of submittal items shown in Exhibit U. Prior to this submittal of these documents, the Applicant may desire to modify the application as recommended by the Planning Commission. The documents will need to be provided to the Town pursuant to the schedule prepared by the Town.

### **10.23 Publications**

Town Staff will publish proper notice of the Town Board meeting and public hearing.

### **10.24 Notification to Owners of Interest and to Mineral Estate Owners**

The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was or will be published for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified mail, return receipt requested to the Owners of Interest. The Applicant shall also prepare and mail or deliver a notice of the meeting to Mineral Estate Owners in the manner required by C.R.S. § 24-65.5-101, et seq., as amended from time to time. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Owners of Interest List and have been mailed or delivered to the entities on the Mineral Estate Owners List, and mail receipts and delivery receipts shall be delivered to the town at or prior to the hearing. The original of all returned receipts and delivery receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed or delivered at least fifteen (15) days prior to the Town Board meeting, not including the day of the meeting.

### **10.25 Notification to Surrounding Property Owners**

The Applicant shall request a copy of the Notice of the meeting prepared by the Town Attorney from the Planning Coordinator, which was published for the hearing. This notice along with a vicinity map shall be mailed by the Applicant, via certified return receipt mail to such Surrounding Property Owners. In addition, Notice shall be mailed in the same fashion to the Board of Directors of any owners association existing with respect to any adjoining property. An affidavit of mailing shall be provided to the Planning Coordinator stating that the Notices have been mailed to the entities on the Surrounding Property Owners List and the date on which they have been mailed. The original of all returned receipts shall also be provided to the Planning Coordinator taped on an 8.5 by 11-inch sheet of paper. Any receipts noted as “undeliverable” by the post office shall be grouped on a separate sheet(s). These notices shall be mailed at least fifteen (15) days prior to the Town Board meeting, not including the day of the meeting.

#### **10.26 Property Posting by Applicant**

Property Posting is required for all zoning matters. At least fifteen (15) days prior to, but not including, the Town Board Public hearing date on the zoning matter, the property shall be posted with notice of such meeting. The Planning Coordinator will prepare the signs. The Applicant can pick up the signs from the Planning Coordinator no sooner than 20 days prior to the meeting. The Applicant shall place the signs on the property (near the property boundary) facing all public roadways with a maximum of four signs. The Applicant shall be responsible for checking the signs each day of the posting period and keeping an accurate log. If a sign has been moved, destroyed, or fallen, the sign must be replaced by the Applicant within forty-eight (48) hours. Within 10 days after final Town action on the application, the Applicant shall remove the posted signs and return any Town signs to the Town. Such signs shall be returned to the Town or the recording of project documents may be suspended as determined by the Town Planner. Property posting is not required where an annexation or zoning exclusively involves public right-of-way only.

#### **10.27 Posting Log**

The sign posting log shall be provided to the Town Board at the Public Hearing. The posting log is shown in Exhibit Q.

#### **10.28 Staff Report for the Town Board**

By no later than the Friday prior to the Town Board meeting Town Staff shall prepare a Staff Report. As appropriate Town Staff will amend the Staff Report that was submitted to the Planning Commission, for distribution to the Town Board. A draft resolution will typically be prepared in conjunction with the Staff Report. A copy of such report and resolution will be transmitted to the Applicant.

#### **10.29 Town Board Meeting**

Within 60 days or as soon as reasonably possible after recommendation of the Planning Commission, notice shall be provided and the Board of Trustees shall hold a public hearing. If the recommendation of the Planning Commission is to approve or grant the proposed zoning or rezoning, the Town Clerk shall place an ordinance embodying the proposed rezoning on the agenda of a meeting of the Board of Trustees.

The findings of fact and conclusions and recommendations of the Planning Commission, responses to referrals, and recommendations of planning staff shall be submitted to the Town Clerk immediately after the final decision of the Planning Commission and shall become a part of the record of the case before the Board of Trustees. The same shall be considered to be a public record and available in the office of the Town Clerk for examination by any person from the time of filing during regular business hours, including the members of the board.

Upon completion of the hearing, the Board of Trustees shall, after board discussion, vote on the matter. Any action will briefly state the findings of fact and conclusions of the Board of Trustees with reference to the relevant and material evidence and testimony supporting such findings of fact and conclusions.

The Board shall vote to approve, approve with conditions, or deny the application, or it may continue or table action on the application, or remand the application, as permitted by law. If the Board approves an application with conditions the Applicant shall make such modifications to the required text, maps, studies, etc. before the Mayor signs any necessary approval blocks.

The Board may also act in accordance with the following upon vote of the majority of the members present:

- A. Make a decision and vote on the application, using the draft resolution previously prepared, as may be amended during the hearing; or
- B. Make a decision and vote on the application, but request the Town Attorney to prepare findings of fact and conclusions for approval and adoption at the next regular meeting; or
- C. Defer a decision and direct the Town Attorney to prepare findings of fact and conclusions to be submitted to the Board of Trustees at its next regular meeting, with final deliberation, decision and adoption of the findings of fact and conclusion at that meeting; or
- D. Defer a decision until a date certain as is mutually agreed upon by the Applicant and the Board of Trustees by which time the record and all evidence can be reviewed. At that time the Board of Trustees can either adopt findings of fact and conclusions or direct the Town Attorney to prepare findings of fact and conclusions for adoption at the next regular meeting after the meeting to which the matter has been deferred.

### **10.30 Final Document Preparation, Review and Recording**

Subsequent to any approval by the Town Board, the Applicant shall provide the Town with a paper copy of all documents amended by the Applicant, pursuant to conditions imposed by the Town Board. Town Staff will review these amended documents relative to any Town Board conditions. Once the documents appear satisfactory to Town Staff relative to the noted conditions, Town Staff will request the final documents, including mylars, be delivered to the Town for filing (See Exhibit U for the proper number and material of all final documents). The FDP and related documents shall be recorded by the Town Clerk or his or her designee only, and recording by any other party is prohibited. If final documents are not recorded within 120 days of the date of Town

Board approval, approval of the documents shall lapse and the Applicant shall be required to submit a new application to be processed pursuant to the same procedures and requirements specified for the initial application.

**10.31 Publication of Ordinances and Referendum Period**

The Town Clerk will publish any ordinances related to an FDP. The final FDP will be recorded.



## **11.0 Final Plat**

All Final Plat applicants shall provide the following submittal requirements. Subdivisions shall be processed according to the requirements herein and Title 16 of the Town Code. The Final Plat shall be processed simultaneously with the Final Development Plan unless otherwise approved by the Town Planner or Town Engineer. The Final Plat shall be processed concurrently with Final Utility Plans.

All plats shall be prepared by a Colorado Registered Professional Land Surveyor according to Colorado Revised Statutes pertaining to the preparation of Land Survey Plats and Platted Subdivisions in effect at the time of preparation or acceptance by the Town of Firestone.

### **11.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

### **11.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

#### **11.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, these documents noted below shall also be provided in electronic format as noted in Chapter 2.

#### **11.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

#### **11.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

#### **11.2.4 Vicinity Map**

A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **11.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the final Town Board hearing date. The applicant shall provide endorsements updating the effective date as requested by the Town.

#### **11.2.6 Legal Description**

A legal description of the property to be subdivided, with the total acreage is required. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description. A computer version of the legal description (Word document) on CD is also required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

#### **11.2.7 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

#### **11.2.8 Water Rights Questionnaire**

A Water Rights Questionnaire (Exhibit L) must accompany a development application.

#### **11.2.9 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

#### **11.2.10 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

#### **11.2.11 Traffic Impact Study**

Unless waived by the Town Engineer, a Traffic Impact Study shall be provided with a Final Plat or other proposed development. The traffic impact analysis study shall incorporate any assumptions identified in the sub-area transportation plan submittal. Additionally, the study shall include projections of average daily incoming and outgoing trips generated by the project, including distribution and level of service. Trips generated by the project shall be assigned to the surrounding street network to a distance of at least one mile from the site.

The study shall be in conformance with the Institute of Transportation Engineers Trip Generation Report and shall be signed by a Colorado registered professional engineer. The study can be included in the notebook or as a separate document.

#### **11.2.12 Soils Report**

Unless waived by the Town Engineer, a Soils Report shall be provided with a Final Plat or other proposed development on existing soils conditions within the area proposed for development. The soils report shall locate and classify the dominant soil types within or affecting the proposed development. The report shall indicate the degree of compatibility of the existing soils within the proposed development with regard to such engineering considerations as topography, drainage, bearing capacity and erosion potential. The report shall include a prognosis of the effects of the proposed development upon the existing site in this regard and shall include specific recommendations for additional exploration, testing, mapping or study as may be necessary to insure adequate protection from potentially hazardous or undesirable soils or geological conditions on the development site.

The soils report shall be prepared and certified by a Professional Engineer or geologist, registered in the State of Colorado, who is knowledgeable in soils identification, classification, and use. The report can be included in the notebook or as a separate document.

#### **11.2.13 Drainage Report**

Unless waived by the Town Engineer, a Final Drainage study shall be prepared in conformance with the Town of Firestone Design Criteria and Construction Specifications Manual or criteria set forth by the St. Vrain Sanitation District if within their jurisdiction. The study shall conform to any Town approved regional or sub-regional drainage study that incorporates the development area. The study shall describe storm drainage design for all of the land involved in the development and areas outside the development boundary that are impacted by the project. The requirement for this Study shall be waived or the scope reduced, if such a study was prepared for a Final Plat of which the development is consistent with or a part of and the previously prepared study provides adequate information to evaluate the drainage impacts and measures necessary to mitigate such impacts. Any plans for erosion control and "Best Management Practices" shall meet current Town standards. The report can be included in the notebook or as a separate document.

#### **11.2.14 Hydraulic Analysis Report**

Unless waived by the Town Engineer a Hydraulic Analysis shall be prepared in conformance with the Town of Firestone Design Criteria and Construction Specifications Manual. The report can be included in the notebook or as a separate document.

#### **11.2.15 Mine Subsidence Report**

Unless waived by the Town Engineer, a Mine Subsidence Report shall only be required for applications that have been undermined.

### **11.3 Response Letter**

For a second or third submittal (as described below) a letter shall be provide describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

### **11.4 Final Plat Map Sheets**

The following information shall be supplied in drawing form. The information may be oriented either horizontally or vertically provided north is oriented to the top of any map.

The scale shall be 1-inch = 50-feet or 1-inch = 100-feet, unless otherwise approved by the Town Engineer. The Final Plat shall be on sheets with outer dimensions of twenty-four inches by thirty-six inches (24" x 36") and shall contain the information noted in this section. Maps of two or more sheets shall be referenced to an index map placed on the first sheet. All signatures and seals shall be original and clearly readable in drawing ink.

#### **11.4.1 Firestone Information Block**

All Final Plat sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

#### **11.4.2 Title Block**

The title under which the subdivision is to be recorded. This name shall not duplicate the name of any existing subdivision in the Town of Firestone or Weld County. The following shall be clearly located on the top center of each sheet:

Final Plat  
Subdivision Name  
Phase or Filing No.  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

#### **11.4.3 Name**

The name under which the subdivision will be recorded. The name will not duplicate the name of any existing subdivision in the Town of Firestone or Weld County.

#### **11.4.4 Owner/Developers**

Name, address, telephone number, and email address of the owner/developer.

#### **11.4.5 Legal Description**

A legal description of the property to be subdivided, with the total acreage is required. All legal descriptions shall be metes and bounds unless the property has been

previously platted in the Town and the Town Engineer approves a different legal description.

#### **11.4.6 Parcel Boundaries**

A description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

#### **11.4.7 Technical Consultants**

Name, address, telephone number, and email address of the licensed surveyor, licensed engineer or other technical consultants involved with the plat.

#### **11.4.8 Scale and North Arrow**

The scale at which the plats are drawn and a graphic representation, and a symbol designating true North.

#### **11.4.9 Date**

The date of preparation of the Final Plat, with revision dates noted as appropriate.

#### **11.4.10 Vicinity Map**

A Vicinity map shall to be added to the cover sheet of the Plat at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.

#### **11.4.11 Existing Streets and Easements**

The location and dimensions of all existing streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and names of all such streets.

#### **11.4.12 Adjacent Properties**

The names of all adjoining subdivisions with dotted lines of abutting lots; if the adjoining land is unplatted, it should be shown as such.

#### **11.4.13 Utilities, Rights-of-Way, Easements and Dedications**

Approximate existing and proposed locations and sizes of all major utilities and easements, including, water, reuse water, sanitary sewer, drainage facilities, natural gas, telephone and electrical. Any existing or proposed utility sleeves shall also be approximately shown. An identification of the streets, alleys, easements, parks, and other public facilities as shown on the plat and a dedication thereof to the public use, or a cross reference to any previously recorded dedication. The Plat shall show the widths and names of existing and proposed abutting streets and widths of alleys.

#### **11.4.14 Lot and Block Identification**

A logical identification system for all lots and blocks, and names of streets.

#### **11.4.15 Flood Plains**

Designation of any area subject to flooding and adequate easements for flood control.

#### **11.4.16 Dimensions, Geometry and Monumentation**

All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in five thousand. No plat showing plus or minus dimensions will be approved.

#### **11.4.17 Lines and Street Geometry**

Lot lines should be perpendicular or radial to street rights-of-way unless circumstances may demand otherwise. Street intersections also should be perpendicular or radial to each other whenever possible.

#### **11.4.18 Dimensions**

Accurate dimensions for all lines, angles and curves used to describe boundaries, parcels, streets, alleys, easements, areas to be reserved for public use, and other important features. This shall include the exact location of all required monuments. These dimensions shall include the description of point(s) and the Distance between point(s).

#### **11.4.19 Angles of Departure**

The Plat shall show the angle of departure of adjoining property, street, alley, and other boundary lines.

#### **11.4.20 Bearings and Angles**

Bearings on all exterior boundary and street centerline control. Angles between all lot lines. In the instance of a lot line intersecting the arc of a curve at an angle of other than 90° an angle shall be given from the lot line to the long chord of the arc involved.

#### **11.4.21 Curve Data**

All curve data including the following:

- A. Delta
- B. Radius
- C. Length of Curve
- D. Chord Length
- E. Chord Bearing

#### **11.4.22 Surveyors Statement**

A statement by the land surveyor explaining how bearings were determined. Magnetic bearings are not acceptable.

#### **11.4.23 Monument Record**

When it is necessary to re-establish, restore and rehabilitate a public land survey monument in order to comply with the requirements of above, the surveyor shall furnish a copy of the official survey Monument Record with the Plat.

#### **11.4.24 Surveyor**

A statement and signature by the land surveyor that the survey was performed by him or under his direct responsibility, supervision and checked that the Plat accurately and properly shows said subdivision.

#### **11.4.25 Town Approval Block**

This is to certify that the Plat of (Name of Subdivision) was approved on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Resolution No. \_\_\_\_\_, and that the Mayor of the Town of Firestone on behalf of the Town of Firestone, hereby acknowledges said Plat upon which this certificate is endorsed for all purposes indicated thereon.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

#### **11.4.26 Lender Consents**

The title to all public lands and public easements dedicated by the Plat shall be free and clear of all monetary liens and encumbrances (such as mortgages, deeds of trusts, mechanic liens, etc.) If required by the Town, the plat shall contain consents by such interest holders, in the form required by the Town (see below). Subject to the approval of the Town Attorney, a title insurance policy shall be provided upon recording insuring the Town's title to all public lands dedicated to it to be free and clear of all liens and encumbrances.

#### **LENDER CONSENT**

The undersigned, \_\_\_\_\_, a \_\_\_\_\_ banking corporation, as the beneficiary of a deed of trust recorded with the Weld County Clerk and Recorder at \_\_\_\_\_ and that constitutes a lien upon the Owner's property, hereby consents to the dedication of the streets, avenues, easements, Outlots, Tracts, and other public places as shown on this Final Plat of "\_\_\_\_\_", and hereby forever releases said lands from said lien.

Know all men by these presents, that the undersigned \_\_\_\_\_ (Names of all landowners) being the owner(s) of the land shown in this Final Plat and described as follows:

Have laid out, subdivided and platted said land as per drawing hereon contained under the name and style of \_\_\_\_\_ (Subdivision Name), a subdivision of a part of the Town of Firestone, County of Weld, State of Colorado, and by these presents do hereby dedicate to the Town of Firestone the streets, avenues (and other public places, tracts/outlots) as shown on the accompanying plat for the public use thereof forever and does further dedicate to the use of the Town of Firestone and all serving public utilities (and other appropriate entities) those portions of said real property which are so designated as easements as shown.

Owner:  
(Name(s) of Owners)

#### 11.4.28 Notary Certificate (in conjunction with owner's signatures)

**Firestone**  
**Development Regulations**  
March 2014 (TB Resolution No. 14-16)



The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

### **11.5 Utility Plans**

Final Utility Plans shall be submitted with the Final Plat.

### **11.6 Subdivider's Agreement**

A Subdivider's Agreement shall be executed with the Town prior to recording of the final plat. The Town Attorney will provide the Applicant with a site-specific agreement. The Town's form agreement is shown as Exhibit V.

### **11.7 Improvements**

The subdivider will furnish and install the streets, water lines, sidewalks, street lights, sanitary sewer mains, reuse water mains, storm drains, storm drainage structures, bridge and irrigation ditch structures, and other improvements as may be necessary, in accordance with the plans and specifications (construction plans) approved by the Town. The subdivider agrees to file with the Town a copy of the as-built construction plans of said public improvements upon their completion in the form of 1 Mylar set and 2 sets of prints stamped by a registered professional engineer.

### **11.8 Contractor's License**

Any contractor or sub-contractor employed by the subdivider shall be licensed by the Town, as applicable, before the contractor or sub-contractor commences work on any of the improvements contemplated within the agreement.

### **11.9 Maintenance**

Every reasonable effort must be made by the subdivider to maintain all streets located within the subdivision in which the improvements are to be installed in a reasonably safe and passable condition during the course of work contemplated. If for any reason the construction of the streets provided for in the subdivider's agreement is delayed until the structures or dwelling units are occupied, then the subdivider must agree to maintain sufficient streets in said subdivision used by the occupants of any such structures or dwelling units in a reasonable, suitable and proper condition to provide for travel, ingress and egress, and to continue said maintenance until such time as the hard surface shall be completed and accepted for maintenance by the Town.

#### **11.10 Transfer and Warranty**

All improvements constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the Town immediately upon acceptance of said improvements by the Town and the subdivider warrants said improvements for two years from the date of acceptance by the Town. Trenches are warranted from settlement for two years.

#### **11.11 Processing**

For all PUD's, the Final Plat shall be processed concurrently with the Final Development Plan and pursuant to the procedures contained in Sections 10.7 through 10.31. See Exhibit U for submittal requirements for both the Final Plat and Final Development Plan. In rare cases where a Final Plat is not processed with the Final Development Plan submittal and processing requirements of Sections 10.7 through 10.31 shall apply, except for those which the Town Engineer or Town Planner have identified as not applicable to the subdivision request.

#### **11.12 Deposit for Incremental Drilling Costs**

For qualifying surface developments, defined as an application for development covering at least 160 gross acres, plus or minus 5 percent, within the Greater Wattenberg Area pursuant to C.R.S. § 24-65.5-102(5.7), the Applicant shall provide the Town confirmation that it has deposited into an escrow account in the amounts required by and in compliance with C.R.S. § 24-65.5-103.7 to defray incremental drilling costs to be incurred by mineral estate owners for drilling wells to prospective formations accessible from the oil and gas operations area that could otherwise have been vertically drilled within drilling windows established by the Colorado Oil and Gas Conservation Commission (Commission) that are not included in the oil and gas operations area, or that the Applicant has posted a letter of credit or other security for such costs as determined to be adequate by the Commission. If a directional well is commenced within the oil and gas operations area after final plat approval and before recordation of the final plat, the Applicant shall confirm that it has made the escrow deposit required within ten days after the commencement of each well so commenced. Submitting the confirmation set forth herein in a form acceptable to the town shall be a condition of obtaining approval to record the final plat.

## **12.0 Minor Subdivision**

Minor subdivisions shall be processed in accordance with the requirements herein and Title 16 of the Town Code.

### **12.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

### **12.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

#### **12.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, these documents noted below shall also be provided in electronic format as noted in Chapter 2.

#### **12.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

#### **12.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

#### **12.2.4 Vicinity Map**

A vicinity map shall be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **12.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the final Town Board hearing date. The applicant shall provide endorsements updating the effective date as requested by the Town.

#### **12.2.6 Legal Description**

A legal description of the property to be subdivided, with the total acreage is required. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description. A computer version of the legal description (Word document) on CD is also

required to be submitted by the Applicant. The Applicant shall provide lot closures for all legal descriptions.

#### **12.2.7 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

#### **12.2.8 Water Rights Questionnaire**

A Water Rights Questionnaire (Exhibit L) must accompany a development application.

#### **12.2.9 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

#### **12.2.10 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

#### **12.2.11 Mine Subsidence Report**

Unless waived by the Town Engineer, a Mine Subsidence Report shall only be required for applications that have been undermined.

### **12.3 Response Letter**

For a second or third submittal (as described below) a letter shall be provide describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

### **12.4 Final Plat Map Sheets**

The following information shall be supplied in drawing form. The scale shall be 1-inch = 50-feet or 1-inch = 100-feet, unless otherwise approved by the Town Engineer. The Final Plat shall be on sheets with outer dimensions of twenty-four inches by thirty-six inches (24" x 36") and shall contain the information noted in this section. Maps of two or more sheets shall be referenced to an index map placed on the first sheet. A margin of at least two (2) inches shall be reserved along the narrow left side of each drawing. A margin of at least one-half inch shall be reserved around the balance of the drawing. All signatures and seals shall be original and clearly readable in drawing ink.

#### **12.4.1 Firestone Information Block**

All Final Plat sheets shall have a Firestone Information block (located in the bottom right corner of each drawing sheet). For specifications on the Firestone Information Block, see Section 2.

#### **12.4.2 Title Block**

The title under which the subdivision is to be recorded. This name shall not duplicate the name of any existing subdivision in the Town of Firestone or Weld County. The following shall be clearly located on the top center of each sheet:

Final Plat  
Subdivision Name  
Phase or Filing No.  
Town of Firestone  
Weld County  
State of Colorado  
Sheet \_\_\_\_ of \_\_\_\_

#### **12.4.3 Name**

The name under which the subdivision will be recorded. The name will not duplicate the name of any existing subdivision in the Town of Firestone or Weld County.

#### **12.4.4 Owner/Developers**

Name, address, telephone number, and email address of the owner/developer.

#### **12.4.5 Technical Consultants**

Name, address, telephone number, email address of the licensed surveyor, licensed engineer or other technical consultants involved with the Final Plat.

#### **12.4.6 Legal Description**

A legal description of the property to be subdivided, with the total acreage is required. All legal descriptions shall be metes and bounds unless the property has been previously platted in the Town and the Town Engineer approves a different legal description.

#### **12.4.7 Parcel Boundaries**

A description of all monuments, both found and set, which mark the boundaries of the parcel, including a description of two or more recorded monuments on record with Weld County, used in conducting the survey. Only one tie will be required for parcels containing two acres or less.

#### **12.4.8 Scale and North Arrow**

The scale at which the plats are drawn and a graphic representation, and a symbol designating true North.

#### **12.4.9 Date**

The date of preparation of the Plat, with revision dates noted as appropriate.

#### **12.4.10 Vicinity Map**

Vicinity sketch at a scale of 1-inch to 1,200-feet showing parcel location and bordering streets and major streets within one-half mile.

#### **12.4.11 Existing Streets and Easements**

The location and dimensions of all existing streets, alleys, easements, right-of-way and watercourses within and adjacent to the subdivision and names of all such streets.

#### **12.4.12 Adjacent Properties**

The names of all adjoining subdivisions with dotted lines of abutting lots; if the adjoining land is unplatted, it should be shown as such.

#### **12.4.13 Utilities, Rights-of-Way, Easements and Dedications**

Approximate existing and proposed locations and sizes of all major utilities and easements, including, water, reuse water, sanitary sewer, drainage facilities, natural gas, telephone and electrical. Any existing or proposed utility sleeves shall also be approximately shown. An identification of the streets, alleys, easements, parks, and other public facilities as shown on the plat and a dedication thereof to the public use, or a cross reference to any previously recorded dedication. The Plat shall show the widths and names of existing and proposed abutting streets and widths of alleys.

#### **12.4.14 Lot and Block Identification**

A logical identification system for all lots and blocks, and names of streets.

#### **12.4.15 Flood plains**

Designation of any area subject to flooding and adequate easements for flood control.

#### **12.4.16 Dimensions, Geometry and Monumentation**

All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in five thousand. No plat showing plus or minus dimensions will be approved.

#### **12.4.17 Lines and Street Geometry**

Lot lines should be perpendicular or radial to street rights-of-way unless circumstances may demand otherwise. Street intersections also should be perpendicular or radial to each other whenever possible.

#### **12.4.18 Dimensions**

Accurate dimensions for all lines, angles and curves used to describe boundaries, parcels, streets, alleys, easements, areas to be reserved for public use, and other important features. This shall include the exact location of all required monuments. These dimensions shall include the description of point(s) and the Distance between point(s).

#### **12.4.19 Angles of Departure**

The Plat shall show the angle of departure of adjoining property, street, alley, and other boundary lines.

#### **12.4.20 Bearings and Angles**

Bearings on all exterior boundary and street centerline control. Angles between all lot lines. In the instance of a lot line intersecting the arc of a curve at an angle of other than 90° an angle shall be given from the lot line to the long chord of the arc involved.

#### **12.4.21 Curve Data**

All curve data including the following:

- A. Delta
- B. Radius
- C. Length of Curve
- D. Chord Length
- E. Chord Bearing

#### **12.4.22 Surveyor Statement**

A statement by the land surveyor explaining how bearings were determined. Magnetic bearings are not acceptable.

#### **12.4.23 Monument Record**

When it is necessary to re-establish, restore and rehabilitate a public land survey monument in order to comply with the requirements of above, the surveyor shall furnish a copy of the official survey Monument Record with the Plat.

#### **12.4.24 Surveyor**

A statement and signature by the land surveyor that the survey was performed by him/her or under his/her direct responsibility, supervision and checked that the Plat accurately and properly shows said subdivision.

#### **12.4.25 Town Approval Block**

This is to certify that the Final Plat of (Name of Subdivision) was approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Resolution No. \_\_\_\_\_, and that the Mayor of the Town of Firestone on behalf of the Town of Firestone, hereby acknowledges said Plat upon which this certificate is endorsed for all purposes indicated thereon.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
ATTEST: Town Clerk

#### **12.4.26 Lender Consents**

The title to all public lands and public easements dedicated by the Plat shall be free and clear of all monetary liens and encumbrances (such as mortgages, deeds of trusts, mechanic liens, etc.) If required by the Town, the plat shall contain consents by such interest holders, in the form required by the Town (see below). Subject to the approval of the Town Attorney, a title insurance policy shall be provided upon recording insuring the Town's title to all public lands dedicated to it to be free and clear of all liens and encumbrances.

#### **LENDER CONSENT**

The undersigned, \_\_\_\_\_, a \_\_\_\_\_ banking corporation, as the beneficiary of a deed of trust recorded with the Weld County Clerk and Recorder at \_\_\_\_\_ and that constitutes a lien upon the Owner's property, hereby consents to the dedication of the streets, avenues, easements, Outlots, Tracts, and other public places as shown on this Final Plat of "\_\_\_\_\_", and hereby forever releases said lands from said lien.

#### **12.4.27 Ownership and Dedication**

Know all men by these presents, that the undersigned \_\_\_\_\_ (Names of all landowners) being the owner(s) of the land shown in this final plat and described as follows:

#### **(LEGAL DESCRIPTION)**

Have laid out, subdivided and platted said land as per drawing hereon contained under the name and style of \_\_\_\_\_ (Subdivision Name), a subdivision of a part of the Town of Firestone, County of Weld, State of Colorado, and by these presents do hereby dedicate to the Town of Firestone the streets, avenues (and other public places, tracts/outlots [to be completed with specific references]) as shown on the accompanying plat for the public use thereof forever and does further dedicate to the use of the Town of Firestone and all serving public utilities (and other appropriate public entities) those portions of said real property which are so designated as easements as shown.

It is expressly understood and agreed by the undersigned that all expenses and costs involved in constructing and installing sanitary sewer system works and lines, water system works and lines, gas service lines, electrical service works and lines, landscaping, curbs, gutters, street pavement, sidewalks, and other such utilities and services shall be guaranteed and paid for by the Subdivider or arrangements made by the Subdivider thereof which are approved by the Town of Firestone, Colorado, and such sums shall not be paid by the Town of Firestone, and that any item so constructed or installed when accepted by the Town of Firestone shall become the sole property of said Town of Firestone, Colorado, except private roadway curbs, gutter and pavement



and items owned by municipality franchised utilities, other serving public entities and/or Qwest, Inc., which when constructed or installed shall remain and/or become the property of such municipality franchised utilities, other serving public entities, and/or Qwest, Inc. and shall not become the property of the Town of Firestone, Colorado.

Owner:  
(Name(s) of Owners)

By: \_\_\_\_\_ By: \_\_\_\_\_  
Owner Owner

#### 12.4.28 Notary Certificate (in conjunction with owner's signature)

STATE OF COLORADO )  
 )SS  
COUNTY OF WELD )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_  
by\_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

#### 12.5 Subdivider's Agreement

A Subdivider's Agreement shall be executed with the Town prior to recording of the final plat. The Town Attorney will provide the Applicant with a site-specific agreement. The Town's form agreement is shown as Exhibit V.

#### 12.6 Processing

Minor Plat applications shall be processed in accordance with the requirements of Title 16 of the Town Code and Sections 10.7 through 10.31 of these Development Regulations, except for those processing requirements that the Town Engineer or Town Planner have identified as not applicable to the minor subdivision request.

### **13.0 Preliminary Utility Plans**

All Preliminary Utility Plans shall be prepared in such a manner as to present all pertinent information that will be required to construct the proposed facilities. Additional information shall be submitted, as may be required by the Town Engineer, to aid in the technical review by the Town to ensure compliance with all Town criteria and accepted engineering and construction standards. All Preliminary Utility Plans shall be prepared by, or under the direct supervision of, a professional civil engineer licensed in the State of Colorado. The Preliminary Utility Plans shall be submitted to the Town along with the Preliminary Plat.

### **13.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

### **13.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

#### **13.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, these documents noted below shall also be provided in electronic format as noted in Chapter 2.

#### **13.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

#### **13.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

#### **13.2.4 Vicinity Map**

A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **13.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than three months prior to the final Town Board hearing date. The applicant shall provide endorsements updating the effective date as requested by the Town.

### **13.2.6 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

### **13.2.7 Water Rights Questionnaire**

A completed Water Rights Questionnaire (Exhibit L) must accompany a development application.

### **13.2.8 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

### **13.2.9 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

### **13.2.10 Traffic Impact Study**

Unless waived by the Town Engineer, a Traffic Impact Study prepared pursuant to the requirements specified in Section 11.0 shall be required. The study can be included in the notebook or as a separate document.

### **13.2.11 Soils Report**

Unless waived by the Town Engineer, a Soils Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **13.2.12 Drainage Report**

Unless waived by the Town Engineer, a Drainage Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **13.2.13 Hydraulic Analysis Report**

Unless waived by the Town Engineer a Hydraulic Analysis prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

## **13.3 Response Letter**

For a second or third submittal (as described below) a letter shall be provide describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

### **13.4 Preliminary Utility Plan Sheets**

The following information must be prepared on the following sheets 24-inches by 36-inches in size and supplied in sequence.

- A. Cover sheet.
- B. Overall utility plan(s).
- C. Grading plan(s).

#### **13.4.1 Scale and North Arrow**

On all sheets provide the scale at which the drawings are drawn and a graphic representation, and a symbol designating true North. USGS maps 7.5 minute series are acceptable.

#### **13.4.2 Cover Sheet**

- A. A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.
- B. Index to all sheets.
- C. Legend showing various line types and symbols and what they represent.
- D. Abbreviations used on the utility plans.
- E. General notes (including Town standards).
- F. Benchmark Reference (a monumented and recorded benchmark on the Town of Firestone datum shall be within five hundred feet of the construction work area).
- G. The Firestone Information block shall be located in the bottom right corner (only required on cover sheet of PUP). For specifications on the Firestone Information Block, see Section 2.

#### **13.4.3 Overall Utility Plan**

- A. Plan scale shall not exceed 1" = 100".
- B. Show all proposed potable water lines including valves, fittings, and fire hydrants. Label water line sizes and type of pipe.

- C. Show all proposed sanitary sewer lines including manhole locations. Label all manholes and show directions of flow. Label any sewer lines larger than 8" or manholes larger than 48" diameter.
- D. Show all storm sewers, manholes, culverts and inlets. Pipe sizes are optional as are inlet sizes.
- E. Show location, size, and type of existing water, sanitary sewer, storm sewer, culverts, and inlets.
- F. Show all proposed streets including center line, edge of asphalt, flow line, top of curb (for vertical curb only), sidewalks, and cross pans. Show all street names.
- G. Show all existing streets including centerline, edge of asphalt, flow line, top of curb (for vertical curb only), sidewalks, and cross pans. Show all street names.
- H. Show all proposed lots with lot numbers.
- I. Show all existing lots with lot numbers, if previous phases or filings have been done, that abut this phase or filing.
- J. Show all proposed right-of-ways and easements including standard utility easements, sanitary sewer easements, drainage easements, conservation easements, ditch easements, etc.
- K. Show all existing right-of-ways and easements that abut or traverse the site.
- L. Show all structures or facilities that will remain on the site indefinitely or temporarily such as barns, oil and gas wells, storage tanks, railroad tracks, irrigation ditches, etc.
- M. Show all wetlands (if any) on the site.

#### **13.4.4 Grading Plan**

- A. Plan scale shall not exceed 1" = 100".
- B. Show all existing ground contours at an interval not to exceed one-foot. Existing contours should be dashed and/or faded to prevent cluttering the drawing and label all existing contours.

- C. Show all existing surface features such as streets, roads, structures, ditches, headworks, wells, trees, water surfaces, lakes, ponds, streams, rivers, dams, culverts, utility poles, signs, fences, driveways, field roads, headwalls, etc.
- D. Label all existing roads, streets, rivers, streams (if it has a name), irrigation ditches, etc.
- E. Show all of the items listed in the requirements for the preliminary overall utility plan. Although, text and notes may be omitted.
- F. Show proposed grading contours at the same contour interval as the existing and label all contours. Proposed contours should be solid and heavy enough to easily distinguish themselves from the existing contours and show proposed grading spot elevations. At a minimum, spot elevations shall be shown at all street intersections, grade breaks, high points, and low points. Enough spot elevations should be shown across the site to determine the limits of disturbance and general drainage patterns.
- G. Location and grading of proposed detention ponds. This should also include estimated 100-year inflow, release rates, and the ponds capacity.
- H. Provide flow arrows that indicate the direction of storm runoff in streets and across lots and open spaces.
- I. Show locations of proposed ditches and swales.
- J. Show the location(s) where storm runoff will enter and leave the site.
- K. Label all open spaces, tracts, out parcels, existing or future phases, etc.
- L. Show all existing and proposed 100-year flood plains.

### **13.5 Preliminary Utility Plan Processing**

- A. Preliminary Utility Drawings shall be processed in concurrence with a Preliminary Development Plan and Preliminary Plat, as appropriate. See Exhibit S for a summary of submittal requirements for all noted documents.

#### **NOTE**

Approval of the drawings is for general conformance to the Town of Firestone Design and Construction Specification Regulations as amended. Errors or omissions encountered in the plans after approval does not relieve the

Applicant from meeting all Town specifications and codes and constructing all facilities so that such facilities can be accepted by the Town Engineer.

- B. Once approved by the Town, the Applicant shall then deliver two (2) sets of all approved Preliminary Utility Plans to the Planning Coordinator along with all reports.

## **14.0 Final Utility Plans**

All Final Utility Plans shall be prepared in such a manner as to present all pertinent information that will be required to construct the proposed facilities. Additional information shall be submitted, as may be required by the Town Engineer, to aid in the technical review by the Town to ensure compliance with all Town criteria and accepted engineering and construction standards. All Final Utility Plans shall be prepared by, or under the direct supervision of, a professional civil engineer licensed in the State of Colorado. The Final Utility Plans shall be submitted to the Town along with the Final Plat.

### **14.1 Pre-Application Submittal Conference**

A pre-application submittal conference is encouraged to be held pursuant to Section 2.2.

### **14.2 Application Notebook**

The following materials shall be submitted in an application notebook as specified in Section 2.10 (I).

#### **14.2.1 Table of Contents**

A table of contents shall be provided as the first sheet in the notebook. To the extent possible, the documents noted below shall also be provided in electronic format as noted in Chapter 2.

#### **14.2.2 Development Application**

A Development Application Form (Exhibit H) shall be submitted pursuant to Section 2.5. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

#### **14.2.3 Development Cost Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

#### **14.2.4 Vicinity Map**

A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

#### **14.2.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than three months prior to the final Town Board hearing date. The applicant shall provide endorsements updating the effective date as requested by the Town.



#### **14.2.6 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the subject Property.

#### **14.2.7 Water Rights Questionnaire**

A completed Water Rights Questionnaire (Exhibit L) must accompany a development application.

#### **14.2.8 Fiscal Impact Analysis**

A general fiscal impact analysis is prepared by the Town. However, a fiscal impact submittal form must be completed by the Applicant. The fiscal impact submittal form is shown as Exhibit K.

#### **14.2.9 Water Service Calculations**

The Applicant shall submit AWWA M22 water service sizing calculations.

#### **14.2.10 Environmental Assessment**

Unless waived by the Town Engineer, a Phase I environmental assessment shall be required. Report can be included in the notebook or as a separate document.

#### **14.2.11 Traffic Impact Analysis**

Unless waived by the Town Engineer, a Traffic Impact Study prepared pursuant to the requirements specified in Section 11.0 shall be required. The study can be included in the notebook or as a separate document.

#### **14.2.12 Soils Report**

Unless waived by the Town Engineer, a Soils Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

#### **14.2.13 Drainage Report**

Unless waived by the Town Engineer, a Drainage Report prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

#### **14.2.14 Hydraulic Analysis Report**

Unless waived by the Town Engineer a Hydraulic Analysis prepared pursuant to the requirements specified in Section 11.0 shall be required. The report can be included in the notebook or as a separate document.

### **14.3 Response Letter**

For a second or third submittal (as described below) a letter shall be provided describing how each staff comment or Planning Commission recommended condition (if available) has been addressed.

### **14.4 Final Utility Plan Sheets**

The following information must be prepared on the following sheets 24-inches by 36-inches in size and supplied in sequence.

- A. Cover sheet.
- B. Overall utility plan(s).
- C. Grading plan(s).
- D. Sanitary sewer plan and profile(s).
- E. Storm sewer plan and profile(s).
- F. Street plan and profile(s).
- G. Waterline plan and profiles(s) for 12-inch and larger pipe only.
- H. Drainage channel plan and profile(s) for major drainage way construction that includes grade control structures.
- I. Details.
- J. Erosion Control Plan.

#### **14.4.1 Scale and North Arrow**

On all sheets provide the scale at which the drawings are drawn and a graphic representation, and a symbol designating true North.

#### **14.4.2 Cover Sheet**

- A. A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone.
- B. Index to all sheets.
- C. Legend showing various line types and symbols and what they represent.
- D. Abbreviations used on the utility plans.
- E. General notes (including Town standards).
- F. Benchmark Reference (a monumented and recorded benchmark on the Town of Firestone datum shall be within five hundred feet of the construction work area).

- G. The Firestone Information block shall be located in the bottom right corner (only required on cover sheet of PUP). For specifications on the Firestone Information Block, see Section 2.
- H. Approval block, see Section 14.14.

#### **14.4.3 Overall Utility Plan**

- A. Include all items required for the preliminary overall utility plan.
- B. Label water line pipe size, material and length. Label all valve types and all bends. Label all fire hydrants and hydrant sizes. Indicate locations of PRV's, air/vacuum valves, plugs, and stubouts for future expansion.
- C. Sanitary sewer lines shall be labeled in the same manner as what is shown on the sanitary sewer plan and profile sheets. If a particular line is labeled "Line SS-1" on the P & P sheets it should be labeled similarly on the overall utility plan. If lines are not labeled but rather denoted by street name in the P & P sheets then no label is necessary on the overall utility plan.
- D. Label all storm sewer pipe size and material. Lengths need not be shown since they appear on the storm sewer P & P sheets. Label all inlets and indicate the inlet type and size. Label all manholes and lines as they are shown on the P & P sheets. Storm sewer lines shall be labeled in the same manner as what is shown on the storm sewer plan and profile sheets. If a particular line is labeled "Line ST-1" on the P & P sheets it should be labeled similarly on the overall utility plan. If lines are not labeled but rather denoted by street name in the P & P sheets then no label is necessary on the overall utility plan.
- E. Clearly indicate the location and method of connections to existing utilities.

#### **14.4.4 Grading Plan**

- A. Include all items required for the preliminary grading plan except that proposed grading contours must be used and all storm sewer facilities must be sized and labeled. Plan scale shall not exceed 1" = 100'.
- B. Show all storm sewers, manholes, culverts, inlets, and other storm drainage facilities. Storm sewer lines, manholes, and inlets shall be labeled. Sizes of all pipes, manholes, and inlets shall be shown.

- C. All riprap blankets shall be shown. The type of riprap shall be shown. The dimensions of the riprap blanket shall be shown including thickness. The thickness and type of bedding materials shall be shown.
- D. Detention ponds shall show the active capacity, 100-year inflow and release rate, and the 100-year ponding elevation.
- E. Finished floor elevations shall be shown for all lots.
- F. High points and low points in streets shall be labeled and spot elevations shown.
- G. Show locations of erosion control facilities such as silt fences, straw bale dikes, gravel filters, sediment traps, etc.
- H. Show notes indicating seeding mixes and procedures and mulch application rates and procedures.
- I. Channel and swale typical cross sections showing flow depths during the major and minor storm.
- J. Location of the 100-year flood plain of major rivers, streams, drainageways, and manmade channels.
- K. Show all wetlands (if any) on the site.
- L. Label slopes that are 4:1 or steeper.

#### **14.4.5 Sanitary Sewer Plan and Profile**

The following is considered minimum requirements for items to be shown on the P & P sheets. Consult with the Sanitation District for further information.

- A. The plan view shall contain all of the items required for the final overall utility plan. The sanitary sewer lines, manholes, and services shall be done with a heavier pen so they will stand out. Label the length and bearing of each line from center of manhole to center of manhole.
- B. Reference sheet numbers for continuations at match lines or for laterals not profiled on the current sheet.
- C. Profiles shall be stationed from downstream to upstream. Length, slope, size, and material of pipe shall be labeled from center of manhole to center of

manhole. Manhole stations shall be labeled. At each manhole label the invert in and out and the manhole rim elevation. Show all utility crossings and label the size, type, and invert elevation of the utility. Show and label the existing and finished ground at the pipe centerline. Show and label all encasements, cutoff walls, and subdrains.

#### **14.4.6 Storm Sewer Plan and Profile**

- A. The plan view shall contain all of the information required for the final overall utility plan and shall also include the existing and finished ground contours or the plan view shall contain all of the information required for the final grading plan and shall also include the proposed water and sewer lines.
- B. All storm sewer lines, manholes, culverts, headwalls, flared end sections, inlets, and riprap blankets shall be done with a heavier pen so they will stand out. The plan view should show the line number/label, pipe size, type, length, and bearing.
- C. Reference sheet numbers for continuation at match lines or for lines not profiled on the current sheet.
- D. A note shall be added to the plan view indicating the required class of reinforced concrete pipe when used.
- E. Profiles shall be stationed from downstream to upstream. The length, slope, size, and material of pipe shall be labeled from center of manhole to center of manhole. Manholes and inlet stations shall be labeled at each manhole and inlet. Label the invert in and out and the rim/flowline elevation. Show all utility crossings and label the size, type, and invert elevation of each utility. Because storm sewer pipe has large pipe thickness', show the pipe thickness on the profile to ensure proper clearance with other utilities. Show and label the existing and finished ground at the pipe centerline. Show and label all encasements, cutoff walls, head walls, end sections, riprap blankets, etc. show and label the hydraulic grade line and indicate sections of storm sewer that require water tight joints.

#### **14.4.7 Street Plan and Profile**

- A. The plan view shall show the street centerline, edge of asphalt, flowline, back of curb (for vertical curb only), cross pans, sidewalk including handicapped ramp locations, and right-of-ways. Also, show adjacent lot lines, utility easements, tracts, and open spaces. Storm sewer inlets and culverts shall be shown.

- B. Label the street centerline at 100-foot increments with tick marks every 50-feet. Show street centerline stations for storm inlets, centerline intersections with other streets, and points of curvature ("PC") and points of tangency ("PT") for all horizontal curves. Also, show street centerline stations for all points of curb return ("PCR").
- C. Provide spot elevations and labels at all high points and low points. Show spot elevations at all PCR's and on the street centerline perpendicular to PCR's. Show spot elevations at the midpoint of curb returns where there is no cross pan. Show spot elevations at the intersection of street flow lines where a cross pan will be installed and at the midpoint of the cross pan. Show spot elevations at the centerline intersection of all streets.
- D. Show all street centerline horizontal tangent and curve data. Tangent data shall include bearing and distance. Curve data shall include curve radius, arc length, chord distance, chord bearing, and the delta angle.
- E. Indicate sheet numbers for continuation at match lines and for streets not profiled on the current sheet.
- F. The plan view shall have a typical cross section of the street showing right-of-way width, flowline to flowline width, sidewalk width, type of curb and gutter, and crown slope. The cross section shall also include the pavement section to be used.
- G. The profile shall show the existing and finished ground at the centerline of the street. The profile shall be stationed every 50-feet. The profile shall show finished grade elevations every 50-feet except through vertical curves where elevations will be shown every 25-feet. Label and show stations and elevations for grade breaks ("GB"), points of curb return ("PCR"), beginning of vertical curves ("BVC"), end of vertical curves ("EVC"), center line intersections with other streets, and storm inlets.
- H. Vertical curves shall be shown in the profile. Label the length of vertical curve, BVC, EVC, high point/low point station and elevation, and the algebraic difference in grades approaching the vertical curve.
- I. Label centerline slopes between all vertical curves and/or grade breaks.
- J. In addition to the requirements of Plan and Profile Design, Arterial Street Design shall include cross sections at intervals not to exceed 100 feet. Cross sections shall be referenced back to street centerline stationing as shown on the Plan and Profile sheets. Cross sections shall clearly show existing ground,

proposed improvements and the ultimate street sections for the full width of the ultimate Right-of-Way. Additional cross section width will be necessary to show proposed grading tying back into existing R.O.W., proposed R.O.W., ultimate R.O.W., and adjacent easements shall be clearly labeled.

#### **14.4.8 Waterline Plan and Profile**

- A. Profiles for waterlines shall only be required for pipe diameters of 12-inches or more.
- B. The purpose of large diameter waterline profiles will be to better detail the increased number of horizontal and vertical fittings that are necessary due to the larger pipe diameter. The profile will be used to ensure adequate clearance with other utilities.
- C. The plan and profile view layout shall be similar in content to that which is required for sanitary sewers and storm sewers (no topographic contours are necessary). All valves, fittings, and appurtenances shall be shown and labeled in both the plan and profile. Sanitary sewer and storm sewers shall be shown in both the plan and profile with invert elevations labeled in the profile.

#### **14.4.9 Drainage Channel Plan and Profile**

- A. Plan and profile sheets for drainage channels will only be required for major drainageways that will have several grade changes and/or grade control structures.
- B. The purpose of plan and profile sheets for drainage channels will be to ensure precise construction of a facility that may not be properly constructed if only a plan view grading plan is provided.
- C. Information that should appear will include finished grade contours, channel bottom grades, grade control structures, road crossings, utility crossings, and the 100-year water surface profile.

#### **14.4.10 Detail Sheets**

Standard details shall be provided to ensure compliance with Town criteria and District criteria. Other details for special conditions may be required to ensure proper construction. The Town may require special details when in the Town's opinion, a situation is not clear or if a detail will ensure proper construction.

#### 14.4.11 Erosion Control Plan

Erosion Control Plan consistent with the Storm Water Management Plan (SWMP) shall be included in the FUP set.

#### 14.4.12 Approval Block

- A. An approval block shall appear on the cover sheet of the final utility plan set. Space shall be provided for approval signatures by the Town and the appropriate water and sanitation districts. Other approval signatures may be required for ditch companies, oil and gas companies, or other agency. For developments that include new water use in an amount more than that used by fifty single-family equivalents, the Town's execution of the final utility plan constitutes a determination that the Applicant has satisfactorily demonstrated, in accordance with C.R.S. § 29-20-303, that water supply will be adequate for the development covered by such utility plan and related final development plan; such determination being subject to compliance with the applicable subdivision or development agreement and all other applicable agreements, requirements, and approved plans.
- B. The following is an example of a typical approval block that should be modified for specific conditions.

Utility Plan Approval	
Approved: _____	Date: _____
Town of Firestone	
Approved: _____	Date: _____
Sanitation District	
Approved: _____	Date: _____
Ditch Company (as necessary)	

#### 14.5 Subdivider's Agreement

A Subdivider's Agreement shall be executed with the Town prior to recording of the final plat. The Town Attorney will provide the Applicant with a site-specific agreement. The Town's form agreement is shown as Exhibit V.



## **14.6 Final Utility Plan Processing**

- A. Final Utility Drawings shall be processed in concurrence with a Final Development Plan and Final Plat, as appropriate. See Exhibit U for a summary of submittal requirements for all noted documents.
- B. After the construction plans have been reviewed, a mylar original construction plan set (stamped and signed by PE and signed by sanitation district) shall be submitted with all changes and corrections to the Planning Coordinator for approval and signature.

### **NOTE**

Approval of the drawings is for general conformance to the Town of Firestone Design and Construction Specification Regulations as amended. Errors or omissions encountered in the plans after approval does not relieve the Applicant from meeting all Town specifications and codes and constructing all facilities so that they can be accepted by the Town Engineer.

- C. After the Town has signed the original mylar construction plan set, the Applicant shall pick-up the mylar from the Town and make copies of the approved plans. The Applicant shall then deliver three (3) sets of all approved construction plans to the Planning Coordinator.
- D. The Applicant shall submit a CD containing the AutoCAD electronic files of the Final Utility Plans to the Planning Coordinator (for the Town Engineer).

## **15.0 Permitted Uses Within a PUD**

The standards in this section control land uses within a PUD.

### **15.1 Land Use Categories**

The following major land use categories are permitted to be located in a PUD in locations approved by the Town Board. Variations to these land use categories may also be permitted as approved by the Town Board.

- A. Employment Center (EC)
- B. Regional Commercial (RC)
- C. Neighborhood Center (NC)
- D. Residential - C (R-C)
- E. Residential - B (R-B)
- F. Residential - A (R-A)
- G. Agriculture - B (AG-B)
- H. Agriculture - A (AG-A)
- I. Open Space (OS)
- J. Conservation (CN)

### **15.2 Employment Center**

An employment center is a large area or areas of land (generally greater than 20 acres) designated primarily for employee based enterprises. Employment centers require generally direct access to arterial roadways or freeways. The EC land use category permits industrial, commercial, and office uses to occur.

#### **15.2.1 Permitted Industrial Uses**

The following industrial land uses are permitted within the EC land use category:

- A. Research, development & testing
- B. Manufacturing\*
- C. Fabrication\*

- D. Processing\*
- E. Assembly\*
- F. Warehousing
- G. Repair and service\*
- H. Laboratories\*
- I. Office/Warehouse
- J. Storage and distribution facilities\*

Wholesaling of any commodity manufactured, processed, fabricated or warehoused on the premises.

\* All referenced uses shall be completely enclosed in a building.

#### **15.2.2 Permitted Commercial Uses**

The following commercial uses are permitted within the EC land use category:

- A. Retail commercial (as a support use)
- B. Retail showroom
- C. Wholesale commercial
- D. Office-showroom
- E. Personal service
- F. Repair and service
- G. Warehouse-showroom
- H. Recreation facilities
- I. Hospitals
- J. Gas stations
- K. Car washes

- L. Restaurants

### **15.2.3 Permitted Office Uses**

The following office uses are permitted within the EC land use category:

- A. Professional
- B. Administrative
- C. Research, development & testing
- D. Medical office and clinic
- E. Executive office
- F. Laboratories
- G. Colleges
- H. Training and instructional
- I. Financial Institutions

### **15.3 Regional Commercial**

Regional Commercial (RC) centers provide goods and services on a regional basis. The RC land use category permits regional commercial and related land uses.

#### **15.3.1 Permitted Commercial Uses**

The following commercial uses are permitted within the RC land use category:

- A. Retail commercial
- B. Retail sales and service
- C. Retail showroom
- D. Convention centers
- E. Retail lodging (including, hotels, motels)
- F. Stadiums

- G. Wholesale commercial
- H. Food sales
- I. Personal service
- J. Office-showroom
- K. Warehouse-showroom
- L. Sports centers
- M. Recreation facilities
- N. Car washes (if an economic development benefit can be demonstrated)
- O. Repair and service
- P. Hospitals
- Q. Kennels (totally enclosed)
- R. Gas stations
- S. Establishments serving liquor
- T. Indoor entertainment, including movies and theaters

### **15.3.2 Permitted Office Uses**

The following office uses are permitted within the RC land use category:

- A. Professional
- B. Administrative
- C. Medical office and clinic
- D. Executive office
- E. Research, development & testing
- F. Laboratories

- G. Colleges
- H. Training and instructional
- I. Financial Institutions

#### **15.4 Neighborhood Center**

The NC land use category permits commercial and offices uses to occur.

##### **15.4.1 Permitted Commercial Uses**

The following commercial uses are permitted within the NC land use category:

- A. Retail commercial
- B. Retail sales and service
- C. Retail showroom
- D. Food sales
- E. Personal service
- F. Office-showroom
- G. Sports centers
- H. Recreation facilities
- I. Repair and service
- J. Gas stations
- K. Car washes (if an economic development can be demonstrated)
- L. Establishments serving liquor
- M. Grocery Stores
- N. Banks
- O. Indoor entertainment, including movies and theaters

#### **15.4.2 Permitted Office Uses**

The following office uses are permitted within the NC land use category:

- A. Professional
- B. Administrative
- C. Research, development & testing
- D. Medical office and clinic
- E. Executive office
- F. Colleges
- G. Training and instructional
- H. Financial Institutions

#### **15.5 Residential-C**

The R-C land use category permits residential uses to occur.

##### **15.5.1 Permitted Residential Uses**

The following residential uses are permitted within the R-C land use category:

- A. Single-family attached
- B. Multi-family
- C. Apartments and other rental properties

#### **15.6 Residential-B**

The R-B land use category permits residential uses to occur.

##### **15.6.1 Permitted Residential Uses**

The following residential uses are permitted within the R-B land use category:

- A. Single-family attached
- B. Single-family detached

## **15.7 Residential-A**

The R-A land use category permits residential uses to occur.

### **15.7.1 Permitted Residential Uses**

The following residential uses are permitted within the R-A land use category:

- A. Single-family detached

## **15.8 Agriculture-B**

The AG-B land use category permits agricultural and associated uses.

### **15.8.1 Intent**

The AG-B land use category is intended to be used as:

- A. Agriculture, ranching or conservation
- B. Intense agriculture uses, such as feed lots, turkey farms, etc.
- C. Undeveloped natural lands, except for minor buildings, roads and structures which are only accessory

### **15.8.2 Permitted Uses**

The following uses are permitted within the AG-B land use category:

- A. Single-family detached dwellings
- B. Ranching and Farming
- C. Greenbelts
- D. Trails
- E. Natural forest or range
- F. Equestrian paths
- G. Public, private and commercial equestrian centers

## **15.9 Agriculture-A**

The AG-A land use category permits agricultural and associated uses.



### **15.9.1 Intent**

The AG-A land use category is intended to be used as:

- A. Agriculture, ranching or conservation
- B. Not intense agriculture uses
- C. Undeveloped natural lands, except for minor buildings, roads and structures which are only accessory

### **15.9.2 Permitted Uses**

The following uses are permitted within the AG-A land use category:

- A. Single-family detached dwellings
- B. Ranching and Farming
- C. Greenbelts
- D. Trails
- E. Natural forest or range
- F. Equestrian paths
- G. Public, private and commercial equestrian centers

## **15.10 Open Space**

The OS land use category permits both active and passive open space uses.

### **15.10.1 Intent**

The OS land use category is intended to be used as:

- A. Undeveloped natural lands not significantly designated for development of buildings, roads, or structures; or
- B. Undeveloped natural lands, except for minor buildings, roads and structures which are only accessory; or
- C. Active recreation which is accessory to developed areas.
- D. Landscape enhancement of developed areas.

### **15.10.2 Permitted Uses**

The following uses are permitted within the OS land use category:

- A. Playgrounds
- B. Sport fields
- C. Greenbelts
- D. Trails
- E. Natural forest or range
- F. Golf courses
- G. Equestrian paths
- H. Tennis courts
- I. Botanical gardens
- J. Nature centers
- K. Public and private recreation centers
- L. Parks
- M. Public, private and commercial equestrian centers

### **15.11 Conservation**

The CN land use category permits passive open space uses; with limited active open space uses.

#### **15.11.1 Intent**

The CN land use category is intended to be used as:

- A. Undeveloped natural lands not significantly designated for development of buildings, roads, or structures.
- B. Undeveloped natural lands, except for minor buildings, roads and structures which are only accessory.
- C. Passive recreation which is accessory to developed areas.

- D. Landscape enhancement of developed areas.

#### **15.11.2 Permitted Uses**

The following uses are permitted within the CN land use category:

- A. Greenbelts
- B. Trails
- C. Natural forest or range
- D. Equestrian paths
- E. Botanical gardens
- F. Nature centers

#### **15.12 Land Uses Permitted in All Land Use Categories**

The following uses are permitted within all land use categories. Some of the following uses may be subject to additional review or approval procedures:

- A. Child care facilities and private schools (Child care facilities and private schools are permitted in all the R land use categories provided that any one structure serves no more than 6 children or students.)
- B. All farming and ranching uses in the AG-A land use category, except as specifically prohibited.
- C. Religious churches, synagogues and temples.
- D. Public lands, buildings and streets, including: Fire stations, Police stations, Government & Special District Offices, Government & Special District Utilities, however, any such uses that are modified to a non-public may be subject to review or approval procedures pertaining to such use.
- E. Public or private utility facilities, including power generation.
- F. Solar Electric, Photovoltaic System or Solar Thermal System.
  - 1. Solar Electric, Photovoltaic System or Solar Thermal System are permitted on residential or commercial rooftops provided the system does not exceed the maximum building height permitted.

2. For any Solar Electric, Photovoltaic System or Solar Thermal System installed on a gable roof, the system may vary from the pitch of the roof to optimize solar exposure.
3. For commercial buildings and sites, solar collection areas other than the roof must be shown on the FDP, unless otherwise provided in the FDP.
4. Solar collection areas are prohibited in the front yard and side yard that abuts a public street on any single-family residential lot.

G. Small Wind Electric System.

1. The height of the Small Wind Electric System cannot exceed the height of the main structure on the lot;
2. A maximum of one system per lot;
3. Is adequately screened as possible;
4. The system is not permitted in the front yard or side yard that abuts a public street; and
5. Is setback from all property lines a minimum of the height of the system.

H. Temporary uses authorized pursuant to Section 6.12 of these Regulations. A Temporary Use Application form is shown as Exhibit Z.

I. Family child care homes provided that the maximum number of children and the age limitations for children to whom care is provided do not exceed the limitations set forth in the State of Colorado regulations for family child care homes, as amended from time to time.

### **15.13 Accessory Land Uses**

The following accessory uses are permitted as described below.

#### **15.13.1 Permitted Uses within EC Land Use Category**

- A. Places for the retail sales of goods and services provided such uses are enclosed in an industrial and/or office building. The total floor area for these retail uses shall not exceed 5% of the total building area.
- B. Temporary construction and sales offices

- C. Security guard residences
- D. Private use heliports
- E. Incineration (as an accessory use to a principal permitted manufacturing or processing use) subject to the regulations of the governmental entity having jurisdiction.

#### **15.13.2 Permitted Uses within RC and NC Land Use Categories**

- A. Temporary construction and sales offices
- B. Security guard residence

#### **15.13.3 Permitted Uses within R Land Use Categories**

- A. Accessory buildings are permitted with single-family homes only and they shall not be used for residential occupancy.
- B. Mini-structures are permitted only with single-family homes and they must be located in the rear yard.
- C. Show or model homes.
- D. For residential lots over 2 acres in size, private stables and barns for the keeping of bovine or equine animals (in approved R-A areas only). The minimum square footage of open lot area for any stable area shall be 9,000 square feet for the first animal and 6,000 square feet thereafter for each additional animal. The total maximum number of animals per individual stable or barn shall not exceed three. All such animals shall be kept in a fenced area.
- E. Home occupations.
- F. Temporary construction and sales offices, as approved by the Town Planner.
- G. Group homes for the developmentally disabled and aged (if specifically approved at the time of ODP).
- H. Greenhouses of less than 10% of the principal residential building.
- I. Security guard residence

#### **15.13.4 Permitted Uses within AG, OS, or CN Land Use Categories**

- A. Any structure that is incidental to public recreation

- B. Temporary construction offices
- C. Security guard residences
- D. Commercial stables

#### **15.14 Land Uses Subject to Special Conditions**

Unless otherwise specified, the following uses are permitted in all land use categories, if they meet the special conditions specified in Section 18 and any permitting or approval requirements of the, United States, State of Colorado, Weld County or Town of Firestone, as appropriate:

- A. Borrow Pit
- B. Oil and Gas Production
- C. Reservoirs\*
- D. Mining

\* If reservoir construction involves the commercial operation and extraction of mineral deposits, then it shall be subject to all the standards related to mining.

#### **15.15 Prohibited Land Uses**

The following uses are prohibited in all land use categories unless specifically approved by the Town Board:

- A. Outdoor boat sales.
- B. Major Truck Stops.
- C. Outdoor trailer sales.
- D. Outdoor automobile sales (new and used cars).
- E. Drive-in movie theaters.
- F. Animal rendering (permitted in AG-B).
- G. Cattle feed lots (permitted in AG-B).
- H. Storage of hazardous materials outside of a bunker or structure, or which is in violation of Colorado or Federal standards, or which extends for more than 30

consecutive days (unless such storage is fully permitted and approved at the time of ODP, PDP or FDP).

- I. Incineration, except as an accessory use to a manufacturing or processing.
- J. Outdoor storage of salvage materials or inoperable vehicles.
- K. Mobile homes and manufactured homes that do not meet the definition thereof in section 17.08.270 of the Town Code.
- L. All other uses not expressly permitted herein (unless otherwise approved at the time of ODP, PDP or FDP).
- M. Mini-storage.

## 16.0 Development Standards

The development standards outlined in this section specifically regulate the intensity of any permitted land use in a PUD. Variations to these standards may be approved by the Town Board if justified through the PUD process. If such variations are so approved they need to be specifically stated in the FDP.

### 16.1 Density

The following sections describe the development standards relative to residential and non-residential density.

#### 16.1.1 Minimum and Maximum Dwelling Units

The minimum and maximum residential dwelling unit gross density shall be as follows:

- A. **R-A** = 0-2.3 dwelling unit per acre; minimum lot size to be specified in ODP
- B. **R-B** = 2.4-4 dwelling units per 1 acre; minimum lot size to be specified in ODP
- C. **R-C** = 4.1-30 dwelling units per 1 acre.
- D. **AG-A or AG-B** = 1 dwelling units per 35 acres

The gross maximum number of permitted residential dwelling units for any land use category is calculated by multiplying the maximum residential dwelling unit density per acre, as shown above, times the gross acreage. However, the maximum number of permitted dwelling units is ultimately determined by the Town Board at the time of an approval of a Final Development Plan. Additionally, the maximum dwelling units may be further limited by the permitted minimum lot size, which shall control over the maximum number of dwelling units or gross density, and by the application of other development standards, criteria and constraints.

#### 16.1.2 Maximum Building and Structure Height

##### Maximum Building Height

The maximum permitted building heights for each land use category shall be as specified below:

##### Maximum Building Height

Land Use category	Maximum Building Height (Feet)
RC .....	50
NC .....	35
EC.....	35*



R .....	35
AG, OS and CN .....	35
All land use categories .....	*
Freestanding Garages in R .....	25

### Maximum Structure Height

The following table identifies maximum structure heights for each land use category.

<b>Maximum Structure Height</b>		
<b>Type of Structure</b>	<b>Land Use Category</b>	<b>Maximum Structure Height (Feet)</b>
Fences .....	EC, RC and AG-B .....	8*
Fences .....	NC, R, AG-A, OS, and CN .....	6*
Ground Mounted Communication Structures	All .....	**

\* See Sections on Fences

\*\* As may be approved by the Town at the time of FDP

### **16.1.3 Minimum Building Setback**

The minimum building and structure setbacks from right-of-ways are shown in the two tables below. The more restrictive setback between the two tables shall control:

#### **Minimum Building Setback from Rights-of-Way**

<b>Minimum Building Setback Distance (feet)</b>	<b>Setback From Right-of-Way Boundary Line</b>
50 .....	I-25*
45 .....	Arterial Roadway

\* See Table 1

### Minimum Non-Residential Building Setback from Lot Lines

Minimum Building Setback Distance (feet)	Setback From Right-of-Way Boundary Line
20** .....	Front lot line
10** .....	Side lot line
20** .....	Rear lot line

\*\* Unless otherwise approved at the time of Final Development Plan,

The following guidelines shall apply to the placement of single-family, detached areas:

- A. Structures shall have the garage setback a minimum of 20-feet from the right-of-way.
- B. Side yards shall be a minimum of 7-feet from the lot line.
- C. Rear yards shall be a minimum of 20-feet with no obstruction of easements.
- D. Swimming pools shall be setback a minimum of 5-feet from all property lines, and shall not be counted in calculating lot coverage.

Setbacks for other residential uses shall be determined at the time of FDP.

There shall be a 100-foot building separation between residential buildings and non-residential buildings.

#### 16.1.4 Minimum Landscape Borders

The following table specifies the minimum landscape border for any lot. Landscape borders along roadways shall be along the right-of-way line unless an alternate, more desirable or functional location is approved by the Town Planner.

#### Minimum Landscape Borders

Minimum Landscape Border Width	From (right-of-way)
-----------------------------------	---------------------

30 .....	I-25
20 .....	Arterial Roadway
20 .....	Minor Arterial Roadway
20 .....	Collector Roadway
12 .....	Building Wall*

- \* If a driveway, walkway or service area is adjacent to the building wall, then the landscape border area requirement shall be added to the buffer area or parking lot landscaping requirements.

Notwithstanding the above, a minimum of 20 percent of each lot or center shall be landscaped, unless otherwise approved at the time of FDP.

#### **16.1.5 Minimum Building Lot Size**

The minimum building or commercial center lot size (excluding commercial areas developed as centers) for non-residential uses associated with the EC, RC, and NC, land use categories is shown in the Table below.

#### **Minimum Building Lot Size**

<b>Minimum Building or Center Lot Size (Acres)</b>	<b>Location</b>
2 .....	Within 500-feet of I-25
1 .....	All Other Areas

#### **16.1.6 Minimum Building Coverage**

The minimum building coverage for non-residential uses associated with the EC land use category is 2,000 (two thousand) square feet. Modifications to this requirement may be approved by the Town Board to accommodate small accessory structures or certain fast food restaurants.

#### **16.1.7 Maximum Building Coverage**

The maximum building coverage for non-residential uses associated with the EC, RC and NC, land use categories are shown below.

## Maximum Building Coverage

Building Coverage ("Footprint") (gross square feet)	Maximum Building Coverage
< 200,000 .....	40%
200,000-300,000 .....	35%
> 300,000 .....	30%

The maximum building coverage for uses associated with the AG land use category is 5%, except for equestrian centers which shall be 10%.

The maximum building coverage for religious churches, synagogues and temples shall be 15%.

### 16.2 Outdoor Storage

Outdoor storage, if permitted, shall be approved at the time of FDP. If approved, all outdoor storage areas must be:

- A. Screened from the sight of properties and roadways.
- B. Shall not exceed 15-feet in vertical height unless totally screened by a building from adjoining roadways.
- C. Outdoor storage areas shall be permitted in AG land use categories only for the storage of agricultural equipment.
- D. All dumpsters shall be screened from adjoining roadways or neighboring properties. Dumpsters in residential areas shall be enclosed by a fence or wall.

### 16.3 Architecture

The following architectural standards shall be adhered to for all development.

### 16.4 General Standards

- A. The exterior surface of all buildings shall have a textured surface. Exposed untextured concrete or concrete block are prohibited.
- B. "Four-sided" architectural design shall be incorporated in all cases, so that there is a specific design intent for each side of the building. Home elevations on open

space, local streets or arterial roadways shall comprise a minimum of 30% rock or brick.

#### **16.4.1 Residential Standards**

The following are applicable to all single-family residential development.

- A. Exterior materials for all residential buildings shall only be constructed of wood, rock, brick, stucco, textured concrete or natural appearing siding.
- B. A minimum of eighty five percent of the exterior color treatment for all buildings, excluding single family residential, shall be muted
- C. For any new subdivision filing, all single-family dwellings developed shall have two car garages.
- D. Eighty-five percent of the exterior color treatment for all residential dwellings and accessory uses shall be muted (excluding glass treatment), unless otherwise approved by the board based on the unique architectural design of the home.
- E. All dwelling roofs shall have the following minimum characteristics:
  - 1. A minimum of six roof planes per building, to add articulation. For the purposes of this section, portions of roofs less than 10% of the total plan view roof area shall not constitute a “roof plane”.
  - 2. A pitch of not less than four inches in twelve inches.
  - 3. Eighty percent of all eaves shall protrude from the exterior wall (not including the width of any gutter) no less than sixteen inches. This minimum overhang shall apply to all roofs, irrespective of pitch.
- F. All dwellings shall be constructed on a permanent concrete foundation which foundation shall have the following minimum characteristics:
  - 1. It shall be constructed to be below estimated frost depth.
  - 2. The foundation shall be located directly below not less than ninety percent of the outside perimeter of the first floor building wall.
  - 3. The foundation shall be, at a minimum, eight inches in thickness.

- G. All sloped roofs shall be covered with a muted, earth-tone color roofing material, unless otherwise approved by the board based on the unique architectural design of the home.

#### **16.4.2 Non-Residential Standards**

The following are applicable to all non-residential development.

- A. Exterior materials for all non-residential buildings shall be constructed of wood, rock, brick, textured concrete and/or architecturally styled metal. The majority of exterior wall surfaces shall be natural materials such as exposed aggregate concrete, brick, natural stone, stucco and natural woods, except in the case of architecturally styled metal.
- B. All metal buildings, if deemed appropriate for the development, shall conform to standard architectural detailing of non-metal buildings, such as parapet walls and the use of texture. Metal buildings shall be treated with more than 50% natural material on the building sides that front roadways.

#### **16.4.3 Residential Garages and Accessory Buildings**

- A. Only one accessory building, not including a freestanding garage, is permitted per lot and shall be set back at least five feet from any property line. Accessory buildings are not permitted in the front yards, side yards that face a public street, within utility easements or within oil and gas well setbacks. Accessory buildings shall be of a similar color as the primary building, may not exceed a height of twelve feet and shall not exceed two hundred square feet of floor area. Construction materials shall be similar to the primary building, and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures except that premanufactured metal or plastic accessory buildings are permitted. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient. Drainage from the roof of the shed shall not be permitted to run off onto the property of another nor shall it run off into the foundation of the main structure.
- B. Only one freestanding garage is permitted per lot or dwelling unit and shall be subject to the same front and side yard setback requirements as the main building. A freestanding garage shall be set back at least five feet from the rear property line. Freestanding garages shall be of a similar color and architectural style, and constructed of similar materials as the main building. For a PUD, freestanding garages are only permitted if shown on an approved FDP and constructed pursuant to standards specified in the FDP.

#### **16.4.4 Finish Floor Elevations**

Finish Floor Elevations shall not exceed 2-feet in vertical height over the approved minimum Finish Floor Elevation.

### **16.5 Fences**

The following standards shall be adhered to for all fences and divisional structures. If there is a conflict between this section and the Town Code, the Town Code shall control.

#### **16.5.1 Design**

Final fence design details may vary from the standards in this Section; however, they must be in conformance with the fencing plan for the development as approved on the FDP. It is the intent of this document to limit fencing wherever possible and appropriate in general and specifically limit chain link, barbed wire, electrified fences, metal stake or wire fences to areas where such fencing shall not be highly visible or distracting to a "campus" style environment (for non-residential areas). In all cases, fences along narrow pedestrian walkways shall be split-rail or other open style.

#### **16.5.2 Materials**

Chain link, barbed wire, electrified fences, metal stake or wire fences shall not be allowed in EC, RC, NC or R land use categories, except for the containment of horses in the R-A land use category or as follows. If approved, chain link or chain link with a maximum of 4 strands of barbed wire may be allowed only in the EC, RC and AG-B land use categories. Such fences shall generally be prohibited within 50-feet from any roadway right-of-way. Barbed wire fences may be permitted in conjunction with ranching uses. Unless otherwise approved, vinyl fencing is the typical material that shall be used.

#### **16.5.3 Height**

No fence, divisional wall, or retaining wall structures shall exceed 8-feet (6-feet for R land use categories) in height, unless one of the following applies:

- A. A taller structure is permitted in other sections of this document.
- B. A taller retaining wall has been determined necessary by the Engineer.

#### **16.5.4 Length**

Long, continuous "straight" fences should incorporate variations in order to avoid monotonous visual planes.

#### **16.5.5 Location**

In the EC, RC and NC land use categories a security fence may be placed adjacent to a parking area or an open storage area.

Other than split rail, no fence shall be permitted in the front yard of single-family residential areas.

#### **16.5.6 Construction Responsibility**

For single-family developments, all fencing shall be installed by the developer.

#### **16.5.7 Exempt Fences**

The following fence types shall be exempt from the fence height limitations: public tennis courts, baseball fields, and other similar public recreation uses.

#### **16.6 Mechanical Equipment**

All rooftop or other mechanical equipment including electronic equipment, all types of vents and all public utilities on all non-residential buildings, shall be completely screened or camouflaged, unless otherwise provided in the approved FDP.

#### **16.7 Signage**

All signs shall be controlled by the Firestone Sign Code, unless otherwise provided in the approved ODP or FDP. Notwithstanding the foregoing, Homeowners Association (HOA) signs and banners are permitted subject to the following:

1. Signs and banners shall be informational only and generally provide information to the residents of the HOA community about upcoming HOA meetings or events organized by the HOA.
2. Signs and banners may be located only on HOA-owned property or HOA-owned improvements within the community.
3. No such signs or banners shall be placed on public property or placed in a public right-of-way.
4. No such sign or banner shall be attached to any utility pole, utility box or other public facility located within a median area which separates vehicular traffic lanes, or otherwise placed in a manner that creates a hazard for automobiles or pedestrian traffic.

#### **16.8 Off-street Parking Requirements**

All off-street parking shall meet the following provisions and meet any additional standards of the Town, as appropriate:

- A. No parking shall be permitted at any other place than in the paved parking spaces provided. On-street parking shall be prohibited, except as approved for R land use categories.
- B. Required off-street parking shall be provided by each lessee, owner, or tenant for employees, customers and visitors for the uses appropriate to that use and area. The specific amount required shall at the time of FDP. Such amount shall not exceed the requirements for similar zone districts and should be determined



in relation to the operational characteristics of the use, including the number of employees.

- C. All required spaces are to be on the same property as the specific use, with the exception of mutually compatible shared uses, as approved at the time of the FDP.
- D. Generally, the minimum number of off-street parking spaces shall be as follows, as further defined at the time of FDP:
  - 1. R-A, two off street spaces for each dwelling unit;
  - 2. R-B, two off street spaces for each dwelling unit;
  - 3. R-C, two and one-quarter off-street space for each dwelling unit;
  - 4. Churches, hospitals, offices, etc., one space for every one hundred square feet of floor space.
  - 5. Handicapped spaces shall be provided as required by applicable federal law, including the Americans with Disabilities Act.
- E. All off-street parking, access drives, and loading areas shall have an approved edge treatment around the entire perimeter, and shall be paved and properly graded to assure proper drainage.
- F. All curb cuts and driveway access locations are to be approved for both size and location by the Engineer.
- G. All landscaped areas within parking lots shall be the maintained by the property owner or designated association.
- H. No motor vehicle may be parked in the front yard or side yard of a residential lot except as specified in the Town Code.
- I. For fireworks stands located in parking lots, the limitations on parking lot coverage set forth in Section 9.16.070.E.8.i of the Firestone Municipal Code shall apply.

The use of vehicles, motorized or non-motorized, such as trucks, trailers, and semi-tractors and trailers, for storage or warehouse purposes, is prohibited for periods of more than 24 hours, unless within an approved storage area identified on the approved

FDP. The only permitted exceptions to this provision shall be vehicles used on construction sites.

All off-street parking spaces and access drives shall be improved with an asphalt, concrete or equivalent surface (except AG, OS or CN, as approved) and shall be graded and drained in order to dispose of all surface water accumulation within the parking area. A concrete drain pan (or storm sewer) should be used to carry accumulated water runoff and must be used in publicly maintained areas such as alleys.

All loading dock areas shall be placed out of sight, so as not to be viewed directly from an arterial, highway or freeway or from residentially zoned property. If the sight distance to the loading area from such roadway or the residential area is greater than 1,000-feet this standard may be waived.

All parking areas shall be landscaped as described herein.

## **16.9 Circulation**

All circulation systems shall meet the following provisions:

### **16.9.1 Transportation Planning Standards**

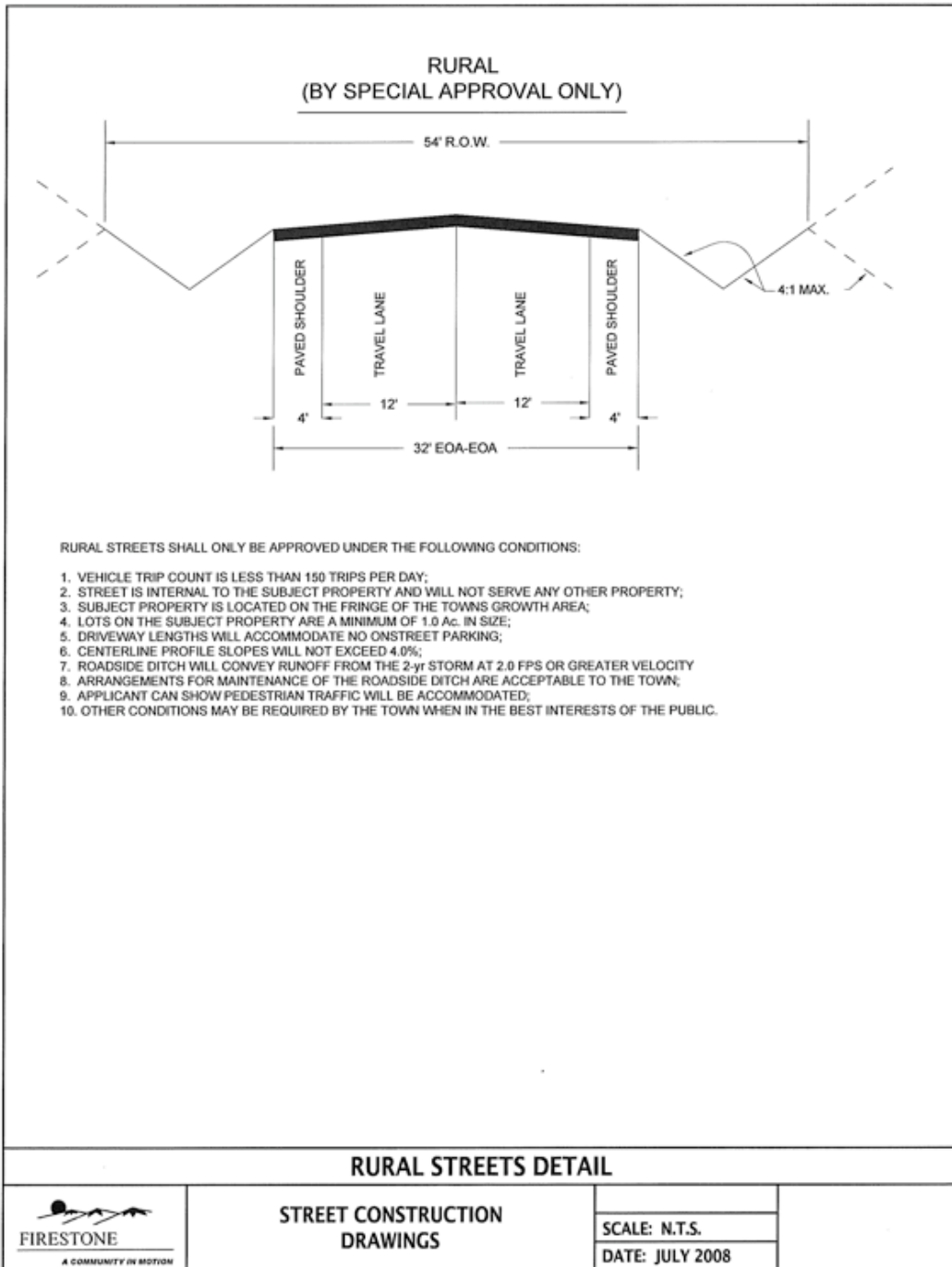
The following transportation planning and vehicular access standards shall be adhered to in the development of vehicular circulation systems.

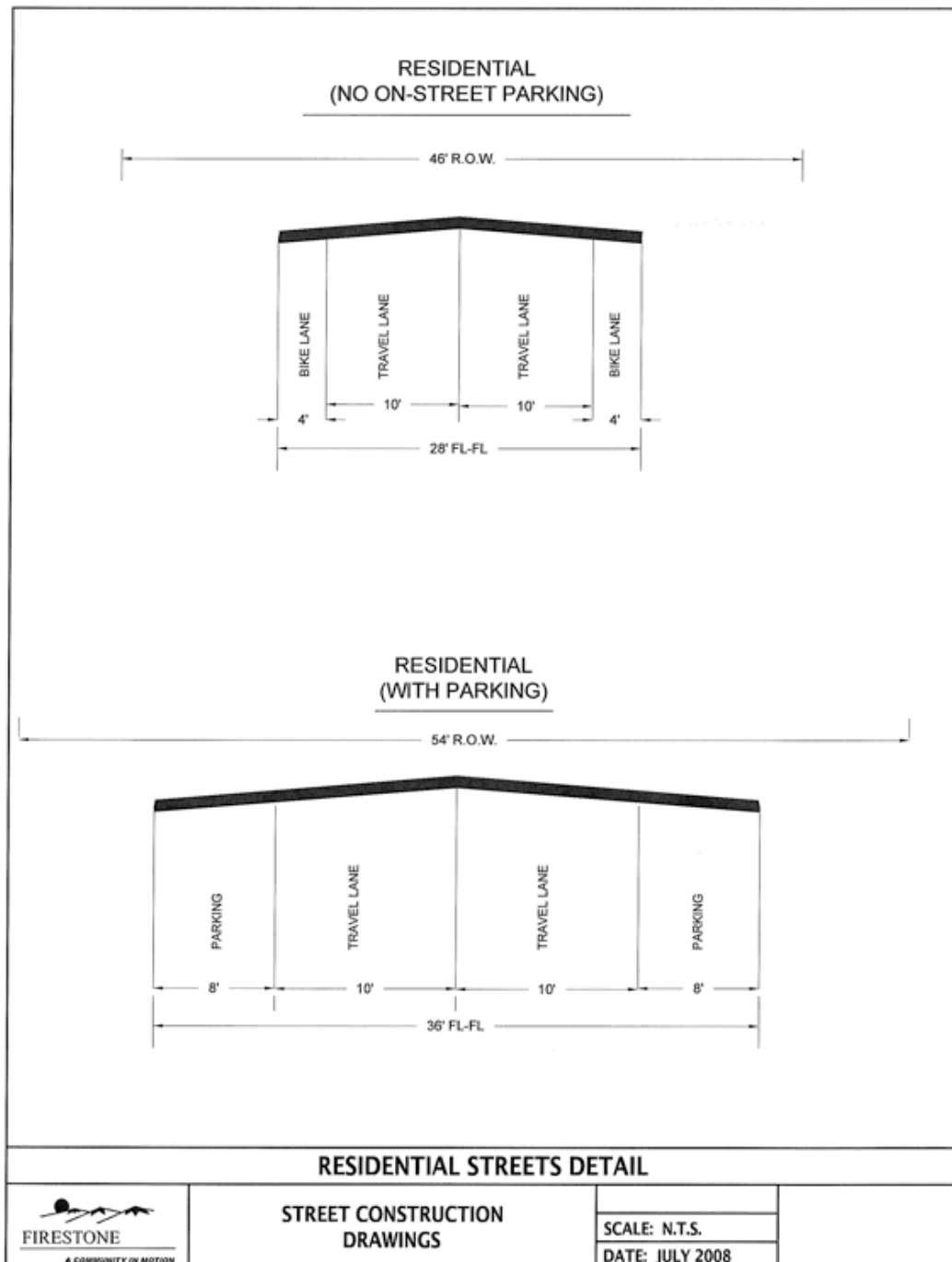
- A. Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely in a manner which minimizes marginal traffic conflicts and promotes free traffic movement on streets without excessive interruptions.
- B. Principal vehicular access points shall be designed to permit smooth traffic movement with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
- C. All private roadway construction plans shall be approved by the traffic engineer. Where access for fire protection is required, a minimum of twenty (20) feet is required for the drive lane.
- D. The maximum length of a cul-de-sac is 550-feet from centerline of roadway to centerline of the cul-de-sac. The length of a cul-de-sac shall comply with the Uniform Fire Code as adopted by the Town.
- E. In residential areas, cul-de-sacs shall be a minimum of 40-feet at the right-of-way line and 50-feet for homes with 3-car garages.

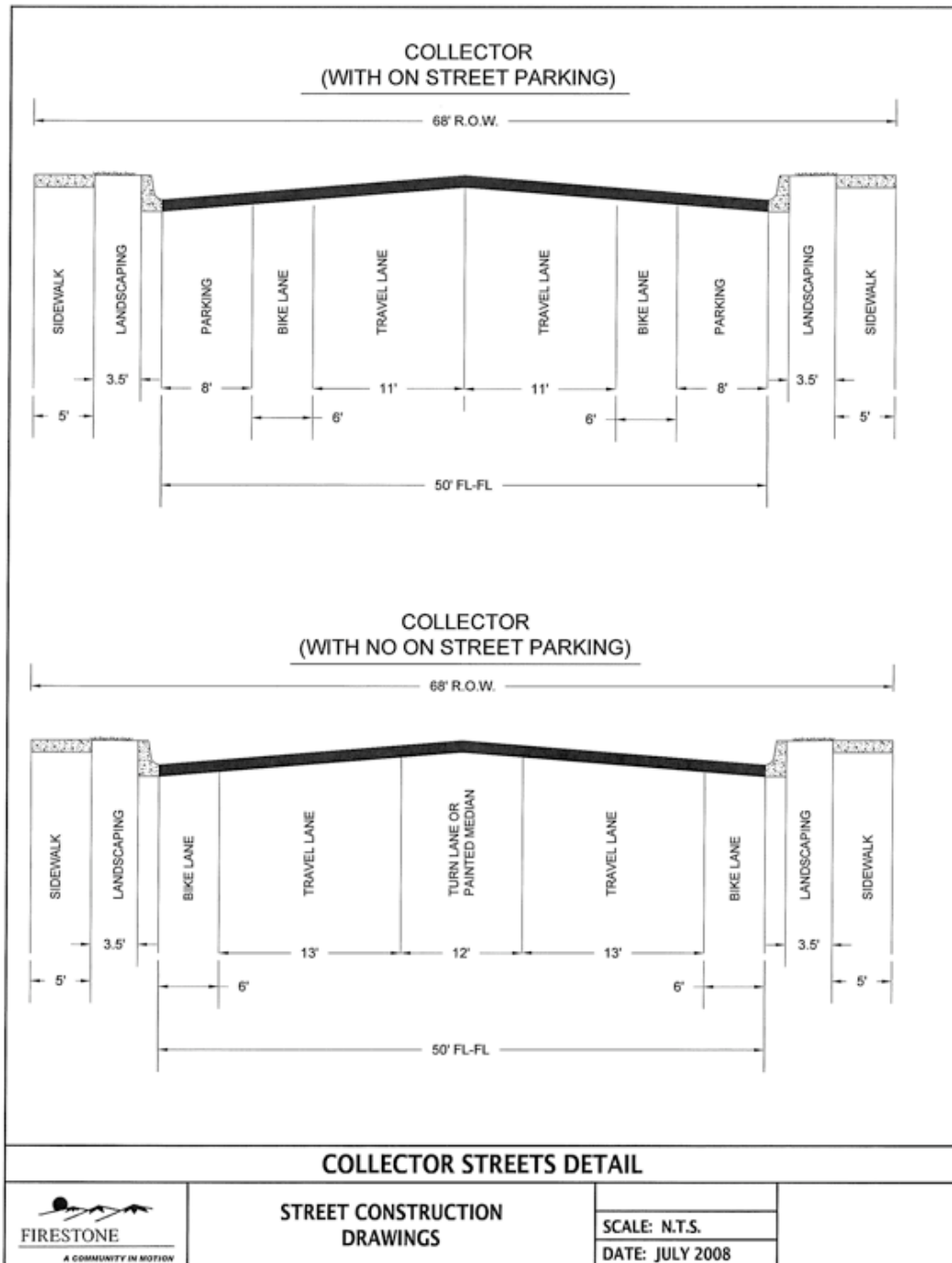
- F. Sidewalks along local streets shall have a minimum of 4.5 feet of flat sidewalk width.
- G. Roadways shall intersect one another at right angles or as nearly at right angles as topography and other limiting factors permit.
- H. The open view of all parking areas shall be reduced by berming and landscaping.

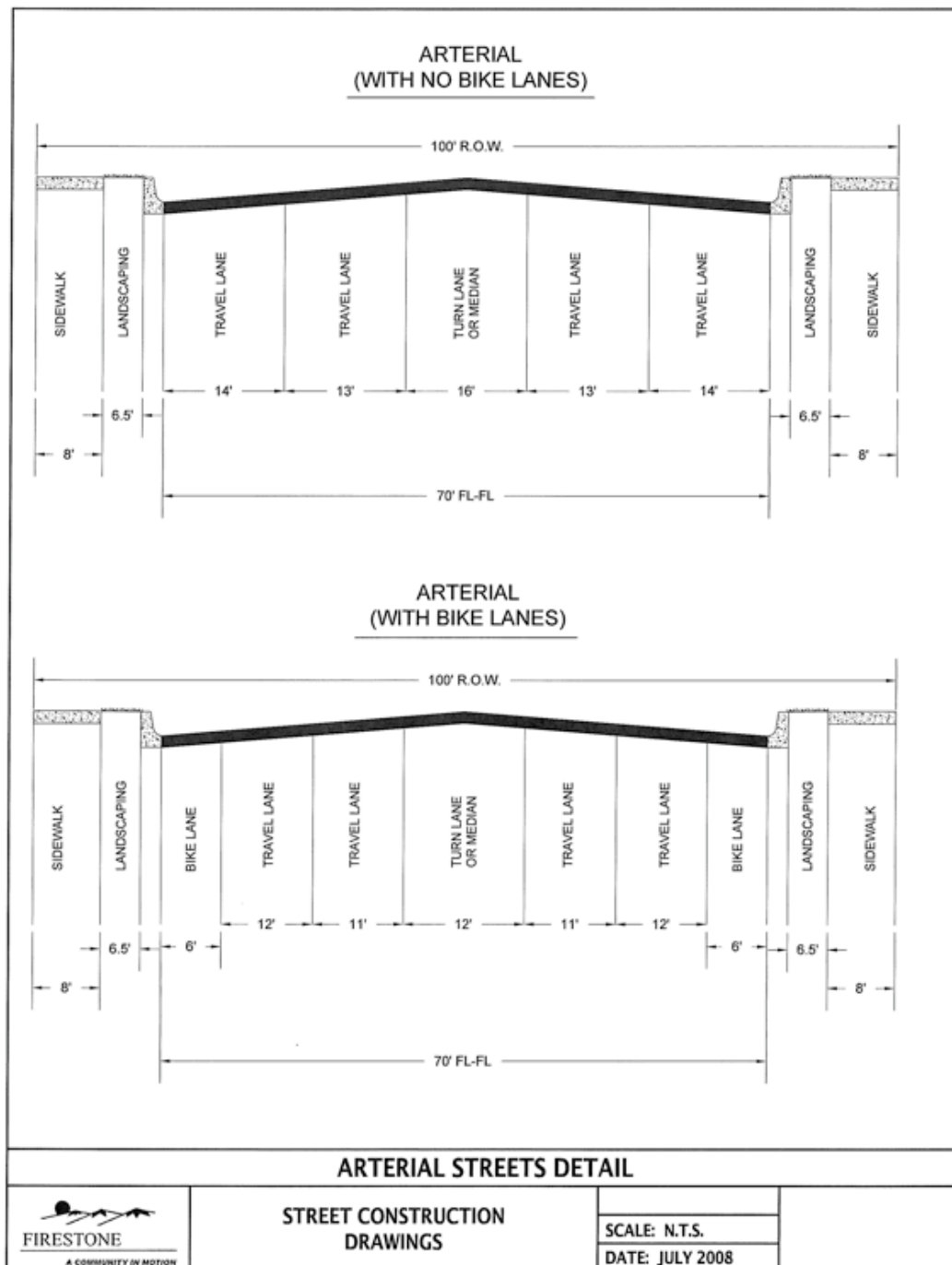
#### **16.10 Typical Roadway Sections**

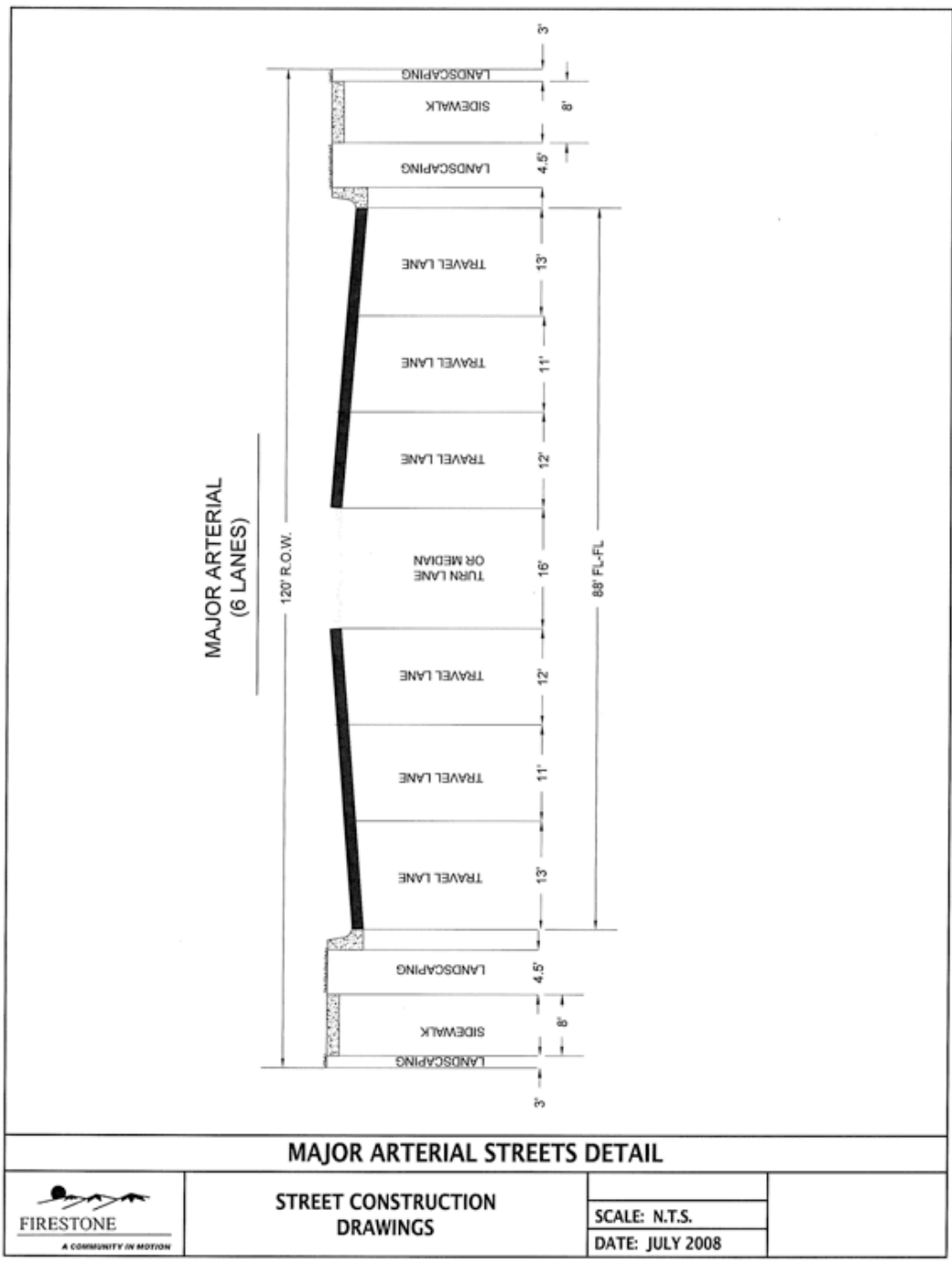
All typical right-of way sections shall meet the requirements as described in the Town of Firestone Design Criteria and Construction Specifications Manual and as shown below:













### **16.11 Non-motorized Circulation**

The following general non-motorized circulation planning guidelines shall govern development of non-motorized circulation systems within the Firestone Urban Growth Area:

- A. Access for non-motorized vehicles shall be arranged to provide safe, convenient routes, and need not be limited to the vehicular access points.
- B. When non-motorized vehicle access points do not occur at street intersections, they shall be marked and controlled.
- C. Bicycle and/or equestrian paths, if provided and practical, shall be related to the pedestrian way system so that street crossings are combined.
- D. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and to all project facilities and off-site destinations likely to attract substantial pedestrian traffic.
- E. Walkways to be used by substantial numbers of children as play areas or routes to principal destinations shall be located and safeguarded to minimize contacts with normal automobile traffic.
- F. Walkways in urban areas shall be developed in the following hierarchy based on anticipated use: 10-foot concrete, 8-foot concrete or 6-foot concrete. For very short distances a 4-foot concrete walkway is acceptable. Andisite surface is acceptable along non-urbanized areas provided it meets ADA requirements.
- G. Major developments should have a continuous trail plan within the property and connecting to external properties and other identified trail corridors.
- H. All walkways shall meet ADA requirements.

### **16.12 Landscaping**

The following standards shall be adhered to for all landscaping in the PUD area. In no event may landscaping improvements be installed in any vacant lot unless it has been identified in the approved FDP regardless of the land use category. In all residential land use categories, no landscaping improvements may be installed prior to the primary building permit issuance.

#### **16.12.1 Design**

All landscaped areas, except those to be left in a natural condition, shall be developed only in accordance with a plan submitted and approved. If an area is intended to be left in a natural landscaped condition, an irrigation system must be installed to enhance the

growing season of the area and an irrigation plan for that area must be submitted and approved. All areas having grass or ground cover shall be irrigated. Any native grasses or ornamental grasses are subject to height provisions as approved by the Town Planner. The maximum height of native grasses in approved open space areas shall not exceed 18 inches.

#### **16.12.2 Materials**

Landscape construction and plant materials shall be as approved by the Town Planner. In an effort to conserve water, xeriscape plant materials and horticultural techniques may be used, if appropriate for the unique semi-arid climate of the Firestone area. Typical standard plant material tree size shall be 2-inch caliper (as measured 4-feet off the ground). Typical standard for shrub planting shall be 5-gallon.

#### **16.12.3 Irrigation**

The following irrigation design standards shall control, as appropriate:

- A. Design precautions shall be taken to minimize direct overspray from sprinklers onto wood, brick or other fences that are easily stained by such spray.
- B. Irrigation of plant material located within landscaped medians shall be of a drip or a low volume sprinkler type to avoid nuisance water on roadways that often occurs when higher volume sprinkler heads are used. If for some reason drip or a low volume sprinkler type is not practical to construct then numerous short duration water cycles should be specified to allowing enough time between cycles for water percolation, reducing runoff from quickly saturated soil.
- C. Each irrigation system for a private residential lot or commercial landscape area shall include an automatic electromechanical interrupt which engages to interrupt the irrigation system during a rainfall event. Such device shall be a Hunter model Rain-Clik or similar device approved by the department of public works. The installation of such device shall be a condition of the issuance of the tap serving the irrigation system, and installation shall be completed prior to commencing use of the tap.
- D. Each irrigation system for a public or private park or open space area shall include an automatic electromechanical interrupt which engages to interrupt the irrigation system during a rainfall event or during wind speeds in excess of 10 mph. Such device shall be a Hunter model Rain- Clik or similar device approved by the department of public works. The installation of such device shall be a condition of the issuance of the tap serving the irrigation system, and installation shall be completed prior to commencing use of the tap.

#### **16.12.4 Roadway Right-of-Ways**

Detailed landscaped plans for roadway right-of-way landscaping shall be submitted with roadway improvement plans and approved. It is intended that the landscaping indicated on the typical roadway sections shall be continuous, with the reasonable spacing of landscape materials as approved by the Town Planner.

All disturbed areas associated with road construction will be revegetated with plant material of similar character and intensity as the adjacent undisturbed areas.

#### **16.12.5 Sales Trailers**

All sales trailers shall have an approved landscape plan.

#### **16.12.6 Construction Trailers**

All construction trailers shall have an approved site plan approved by the Town Planner.

#### **16.12.7 Landscape Border Areas and Minimum Building Setback Areas**

All landscape border areas, with the exception of driveways, sidewalks and other walkways shall be used exclusively for the planting and growing of trees, shrubs, lawns, and other ground covering or approved material. However, eaves, architectural projections, fireplaces, sidewalks, and patios will be allowed within these border areas, pursuant to Uniform Fire Code specifications.

#### **16.12.8 Single Family Residential Landscape Standards**

The following are specific landscaping standards for single-family residential development.

- A. Shrubs and ground cover plantings shall comprise no less than ten percent of the landscaped area of the front yard. This requirement may be waived or reduced by the Town Board if it determines that such a requirement would be inappropriate because of the size of the lots, for potable water conservation reasons, or as shown on an approved FDP.
- B. For any new subdivision filing, there shall be a minimum of one tree of 2-inch caliper for each dwelling planted within the front yard of the dwelling. This requirement may be waived or reduced by the Town Board if it determines that such a requirement would be inappropriate based on the submitted landscape theme, for potable water conservation reasons, or as specified in an approved FDP.
- C. For any new subdivision filing, as developed, front lawn areas shall be installed as seed or sod in the front yard. Sod must be installed prior to the Town issuing a certificate of occupancy, and if seed is used rather than sod, then the seed must

be significantly established prior to the Town issuing a certificate of occupancy. However, a certificate of occupancy may be issued by the Town prior to the seed being significantly established if an automatic sprinkler system has been installed with an electronic timer. Further, if weather conditions do not allow for installation of sod or the significant establishment of seed at the time a certificate of occupancy could otherwise be issued, then the Town Planner or the building official may grant an extension, not to exceed one hundred eighty days, for the sod to be installed or seed to be significantly established. These requirements may be waived or reduced by the Town Board if it determines that such a requirement would be inappropriate based on relevant considerations including, but not limited to, the size of the lots or potable water conservation reasons.

- D. All front and rear yards of single-family residential developments shall be irrigated and seeded with bluegrass turf seed.
- E. Landscape improvements shall not commence on any lot prior to actual construction of the residential unit unless approved, in writing by the Town Planner.

#### **16.12.9 Open Storage and Parking Lot Screening**

The open view of all parking areas shall be reduced by berming and landscaping.

#### **16.12.10 Parking Lots**

There shall be an internal landscape minimum of seven percent (7%) of landscaping within all parking lot areas. "Parking lots" do not include adjoining areas. The required landscape area shall be distributed throughout the parking lot in order to prevent large expanses of unbroken parking lot pavement. Plant materials in parking lots shall be irrigated.

#### **16.13 Park Land Dedication**

A minimum of ten percent (10%) of the total land being subdivided by a Final Plat shall be dedicated to the Town for park or public space development. This property may also be used for shallow detention ponds, if approved by the Town. The Town at its option may accept cash-in-lieu rather than land dedication. The Town may typically accept cash-in-lieu payments (or partial payments) for larger retail commercial projects, where "neighborhood parks" are not typically needed.

#### **16.14 Park and Trails Development**

Park locations should generally be centrally located within development area or be located to enhance adjoining park areas. Trails should generally be provided in all developments to provide for pedestrian circulation and connections to park and open space areas.

For any development where it is determined that a neighborhood (or smaller) park is required, then it shall be the responsibility of the developer to submit a landscape design for such area at time of PDP and FDP processing. The developer then shall construct the park pursuant to that plan. The Town's typical park details are shown in Exhibit Y. These details need to be incorporated into such design unless otherwise approved during the FDP process. The developer also needs to provide all necessary raw water rights for any park or irrigated open area shown on the FDP.

### **16.15 Utilities**

All electrical utility lines shall be placed underground, except as follows:

- A. All facilities reasonably necessary to connect underground facilities to existing or permitted overhead or over-ground facilities, including, transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities.
- B. Street lighting facilities may be placed above ground within the utility easement provided, or within the street or other public place as appropriate.
- C. In extreme physical conditions such as shallow bedrock and extreme slopes.
- D. All uses will be served by public water and sewer service. However, in portions of the R-A land use category, individual septic systems may be allowed in limited areas, if approved at the time of Final Development Plan and by the appropriate Sanitation District. Such approval shall only apply to residential lots that are 2 acres or greater in size.

#### **16.15.1 Traffic Control Devices**

Traffic signals shall be supported by mast arm or bridge structures only; span wire support systems are not permitted.

#### **16.15.2 Street and Parking Lot Lighting**

Street and parking lot lighting shall be downcast to reduce side glare. Street lighting shall be consistent with the Town's adopted criteria. Residential address signs should be clearly visible at night.

#### **16.15.3 Grading and Building Siting**

Grading within the Firestone Urban Growth Area shall be as follows:

- A. Whenever possible graded areas shall be kept to a minimum to reduce impacts on the surrounding environment.

- B. Whenever possible architectural solutions shall be implemented to reduce grading impacts
- C. Necessary grading shall result in curved and undulating contours, to create a rolling, natural appearance. Sharp or squared contours will be minimized.
- D. Grading within natural drainage areas shall receive special consideration. Typically, the only grading in natural drainage areas will be for drainage detention facilities, active open space uses and for roadways.
- E. Once graded, areas shall be revegetated within one year, based on a landscape plan approved at the time of Final Development Plan.
- F. Significant rock outcrops, shall be designated at the time of zoning or Final Development Plan as an area that will not be disturbed.

## **16.16 Floodplains, Hazard Areas and the Natural Environment**

The following standards are applicable to all land use categories as appropriate:

### **16.16.1 Floodplains**

100-year floodplains will only be used for open space or other approved purposes.

### **16.16.2 Wildfire Areas**

No structures will be allowed in a wildfire hazard area (as defined by the State Forest Service, excluding grass lands) unless a hazard mitigation plan, reviewed by the State Forest Service, has been approved.

### **16.16.3 Geologic Hazards and Features**

No structures will be allowed in a geologic hazard area unless a mitigation plan has been approved.

### **16.16.4 Wildlife and Biology**

Wildlife movement corridors or areas of significant biological activity shall be identified. Any approved development plan shall provide provisions to protect these areas or ensure that any significant adverse impacts are mitigated.

### **16.16.5 Aquifer Recharge Zones**

Any area providing groundwater recharge to bedrock aquifers shall be identified. The total amount of recharge, naturally occurring, shall be maintained.

## **16.17 Residential Architectural and Site Planning Standards**

In addition to the overall standards noted in Section 16.0, the following standards and guidelines shall apply or be addressed relative to residential development in Firestone.

## **16.18 Single and Multi-Family Developments**

- A. Single-family residential dwelling units shall have their driveways access the local street to which the building fronts.
- B. For portions of developments that front on arterial roadways, the adjoining single-family lots shall typically be one-half acre or larger in size.

## **16.19 Residential Architectural and Site Planning Guidelines**

In addition to the overall standards noted in Section 16.0, the following standards and guidelines shall apply or be addressed relative to residential development in Firestone.

### **16.19.1 Single and Multi-Family Developments**

- A. Residential developments should exhibit a strong sense of "community" in their development theme.
- B. Open areas should be strategically placed within the development to provide ease of access to all local residents.
- C. In addition to required neighborhood parks, internal common open areas should include such items as tot lots, sand volleyball courts, and shelters.
- D. For larger developments, a community swimming pool and clubhouse should be considered.
- E. Whenever possible, expand the use of natural appearing materials such as rock and brick over the minimums required.
- F. Necessary trash containers and utility devices, such as air condition units, should be screened or camouflaged. Consider plant material for screening.
- G. Consider wind direction in the location of mailbox facilities. Mailbox facilities should be covered if reasonably possible.
- H. On paved walkways, consider using red accent paint to highlight changes in elevation (e.g. steps), as appropriate.
- I. Wrought iron is an architectural feature that can add texture to a development.
- J. Consider a unique color for roofs as an architectural enhancement.

- K. Covered project entries can add a unique appeal to a development.
- L. Staggered fronts of homes on straight streets to avoid a “row” look.
- M. Consider arching the top of windows or other architectural features to “break up” the “square look” of the windows and associated architecture. Windows with paned sections (even if they are “fake” panes) also help in this respect.
- N. Each dwelling unit must have the applicable minimum lot area. For PUD districts, such minimum lot area must be as specified in the approved FDP.

#### **16.19.2 Single Family Developments**

- A. Carefully consider the location of walkout units to avoid the problem of a “wall effect” of the 3-story elevations.
- B. On corner lots, the yard on all street frontages must meet minimum standards for front yards in the pertinent zone. For PUD districts, such minimum lot area must be as specified in the approved FDP.
- C. All residential dwellings shall be oriented on the lot such that a side with a length that is at least eighty percent the length of the longest side of the dwelling predominately faces the local street providing access to the lot. The length of any side does include the length of any attached garage. In all cases the front door of the dwelling shall be located in the closest portion of the dwelling that predominately faces the local street. For corner lots, this provision only applies to the local street providing direct driveway access. These requirements may be waived or modified with respect to land-leased manufactured housing developments within a PUD district, provided such waiver or modification is warranted by virtue of innovative design and amenities incorporated in the development plan.

#### **16.19.3 Multi-Family Developments**

- A. Private drives should be wide enough to accommodate traffic; however, they should be narrow enough to discourage speeding. Center drainage pans can work well to assist in traffic speed because of the somewhat uneven travel surface they create. Designing such drives in a curvilinear fashion should also help to discourage speeding.
- B. Provide looped private drives when appropriate.



- C. Adequate parking must be provided. Specifically, account for additional “event” traffic for groups of individual residents.
- D. “Break-up” the visual impacts of large expanses of paved areas with landscaping and trees.
- E. Where appropriate, multiple wall planes should be used to assist in reducing the visual impact of larger buildings.
- F. Consider wind direction in the location of trash enclosures and use similar or complementary colors and materials as the primary building(s).
- G. Two stories should be the maximum building height, unless setbacks are significantly expanded to accommodate for the scale of taller and larger buildings.
- H. The use of storage lockers next to garage complexes can be a useful way to accommodate the need for additional storage for residents.

## **16.20 Minimum Design Standards Utilizing Crime Prevention Through Environmental Design**

In addition to the overall standards noted in Section 16.0, the following standards and guidelines shall apply or be addressed relative to development in Firestone.

### **16.20.1 Multi-Family Developments:**

- A. Private spaces such as courtyards, stairwells and parking bays should be clearly identified to reduce use by undesirable users. Strategies may include the use of pavers, varied textured paths, fencing, landscaping and others.
- B. Accommodation units should be designed to allow people within the units to observe and monitor communal areas within the development.
- C. Areas requiring lighting should include driveways, property entrances, parking areas, footpaths, communal service areas, lobbies and stairwells. Lighting should be illuminating in hours of darkness or should be sensor/movement sensitive. Lighting shall be in accordance to Firestone’s lighting standards.
- D. Parking lots
  - 1. Visitor parking should be designated
  - 2. Parking areas should be visible from windows and doors.

E. Addressing for individual units:

1. Each building entrance (front and back side) shall display apartment numbers no smaller than three inches in height that will be visible from the parking lot. The display will need to be well lit for night- time viewing. If one side of the building faces a green belt, than only the side that is accessible needs to have signage.
2. Individual units shall display address numbers no smaller than 2 inches in height.

F. Fencing

1. Wrought iron or open lattice vinyl fencing material shall be used along the property line. Cedar fencing is prohibited.

G. Exterior doors

1. 180 Degree peepholes
2. Two inch screws on striker plate
3. Deadbolts with 1 1/2 inch throw
4. Additional locking devices on all first level sliding glass doors. Examples of this would be a pinhole lock or a Charlie Bar lock.

H. Trash Enclosures

1. Wrought iron or vinyl fencing material shall be used to enclose trash, material such as brick or building material other than cedar fencing may be used.
2. Trash enclosures should be locked during non-business hours.

**16.20.2 Automobile Parking Facilities**

- A. Landscaping/vegetation suitable to enhance safety while removing reasons for loitering.
- B. Paths between buildings and car parks should be well lit and obvious to ensure safe pedestrian access.

- C. Lighting utilized in car parks should be accordance with Firestone's lighting standards.
- D. Car parks should be sited to permit maximum opportunities for surveillance from both users of the current development and passers-by.
- E. Where possible, large car parks should be avoided except where good surveillance is possible. Where large car parks are unavoidable, remedial measures to avoid isolation and fear should be considered, such as, public telephones, surveillance equipment or security patrols etc. The planning of multiple smaller car parks is often preferable.
- F. Multi-level car parks should be designed to permit maximum natural surveillance, access control and illumination. A suggestion to accomplish this would be to utilize cable railing in place of concrete retaining walls.
- G. Good signage on paths between buildings and car parks to assist people to buildings and car parks.
- H. When possible, parking spaces should be designated to identify employee's verses visitors.

### **16.20.3 Commercial Property**

- A. Differentiate private areas from public spaces to discourage trespass by potential offenders.
- B. Toilet facilities should be sited in the most convenient and accessible location to increase use.
- C. Entrances into toilet facilities should be located so as to permit monitoring by intended users, such as reception desk staff, passing motorist etc.
- D. Entrances into toilet facilities should be designed as a maze entry rather than double doors.
- E. Addressing on individual buildings should be visible from the parking lot or street with numbers no smaller than 3 inches in height. The address should be well lit for nighttime viewing.
- F. Provide both front and rear vehicle access, when appropriate, to facilitate police patrol surveillance.

- G. Provide public telephones with dial free connections to emergency services at strategic locations to encourage/enable people to report crimes rapidly.
- H. Public telephones should be located away from the building and well lit to encourage natural surveillance from employees and customers.
- I. Large signs and other obstructions should be removed from storefront windows to enhance surveillance.
- J. Provide tall and/or specially protected vandal resistant outdoor lighting fixtures.
- K. Wrought iron or open lattice vinyl fencing shall be used along property line and trash enclosures. Cedar fencing is not permitted.
- L. Landscaping suitable to enhance safety while removing reasons for loitering.

## **17.0 Operational Standards**

The following is a collection of general standards that are applicable to all land use areas.

### **17.1 Intent**

It is the intent of this section to specifically state standards that prevent land or buildings subject to these Regulations from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable effect in a manner or amount which adversely impacts the surrounding area.

### **17.2 Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line.

### **17.3 Air Pollution**

There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit.

Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

### **17.4 Materials Handling**

No person shall cause or permit any materials to be handled, transported, or stored in a manner which allows or may allow particulate matter to become airborne or liquid matter to drain onto or into the ground.

### **17.5 Odors**

Any condition or operation which results in the creation of odors or gaseous emissions of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

### **17.6 Electromagnetic Radiation**

It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all

governmental communications facilities, governmental agencies and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

#### **17.7 Fire and Explosion**

In all non-residential areas in which the storage, use, or manufacture of blasting agents, combustible fibers, combustible liquids and compressed gas is permitted, the requirements set forth in adopted building and Uniform Fire Codes must be met.

## **18.0 Conditional Use Permits**

Conditional use permit processing shall be generally consistent with the submittal requirements and the review and approval procedures of a PDP and an FDP, and a PDP and an FDP for any such use shall be approved prior to commencement of such use. The PDP requirement shall be waived if the proposed special use is to be commenced within an existing structure for which structural alterations are not proposed. The Applicant shall provide any additional information that may be required by the Town Planner or the Town Engineer, including any items listed in Section 17.32.020 of the Town Code if not otherwise required by these regulations. This section particularly specifies standards for conditional uses such as borrow pits, oil and gas production, mining and reservoir construction. In addition to these standards, permits or approvals may be required by the County or Town or other governmental agencies and shall be obtained prior to engaging in any conditional use. All conditional uses shall conform to the development standards specified herein, unless otherwise noted.

### **18.1 Pre-Application Submittal Conference**

A pre-application submittal conference shall be held pursuant to Section 2.2 above. At this meeting Town Staff will further clarify the submittal requirements based on the type of conditional use requested.

### **18.2 Development Application**

A Development Application Form shall be submitted pursuant to Section 2.5 above. The Development Application has a signature block that notes the applicant has read pertinent sections of these Development Regulations.

### **18.3 Cost Agreement and Funds Deposit Agreement**

A Cost Agreement and Funds Deposit Agreement shall accompany the development application. These agreements are described in Section 2.4 and the standard format for these documents is shown in Exhibit G.

### **18.4 Vicinity Map**

A vicinity map shall to be prepared at a scale no smaller than 1-inch to 1,200-feet showing the parcel location and bordering streets within one-half mile. The map shall also show the existing limits of the Town of Firestone. The map shall be prepared on an 8.5-inch by 11-inch sheet of paper.

### **18.5 Title Commitment**

The Applicant shall submit a current Title Commitment for the Property, dated no later than one month prior to the final Town Board hearing date. The applicant shall provide endorsements updating the effective date as requested by the Town.

### **18.6 Tax Certificate**

The Applicant shall submit a current Weld County Tax Certificate for the Property.

### **18.7 Water Rights Questionnaire**

A Water Rights Questionnaire (Exhibit L) must accompany a development application.

### **18.8 Borrow Pit**

Except under the following instances, borrowing may not be done without obtaining a permit from the Town, as appropriate.

- A. Minor projects which have cuts or fills each of which is less than 5-feet in vertical depth at its deepest point measured from the existing ground surface, which include all of the following: a) less than 50 cubic yards of earth material; b) the removal of less than 10,000 square feet of vegetation.
- B. Minimum excavation required in connection with a building or other structure authorized by a valid building permit
- C. Grading work being done pursuant to an approved grading plan in conjunction with an approved recorded plat or overlot grading plan being done on the same property
- D. Trenching incidental to the construction and installation of approved underground pipeline, septic tank, disposal lines, electrical or communication facilities, and drilling or excavation for approved wells or fence posts
- E. Grading or excavation in accordance with plans incorporated in an approved mining permit, reclamation plan, or reservoir permit
- F. Maintenance and cleaning of ditches, lakes, ponds, and water storage reservoirs
- G. No processing, crushing, or similar treatment of earth material may occur on the borrow pit site.

### **18.9 Review Criteria**

The review and approval of a conditional use shall be based upon the conditions and standards for approval of an FDP, as provided in Section 17.22.080 of the Town Code, and the additional criteria set forth in Section 17.32.030 of the Town Code.

### **18.10 Mining**

Mining is a mechanism allowing for extraction of sand, gravel, and clay, including attendant operations such as crushing and stockpiling. Quarrying of hard rock aggregate is generally prohibited. Mining operations, crushing and stockpiling are allowed within any land use category, as approved. Mining equipment shall be considered mechanical equipment; however, it will not be subject to the screening or



camouflaging requirements herein. It shall, however, be subject to the following requirements:

- A. All mining equipment and operations areas must be screened from the sight of adjacent properties or right-of-way by the use of berms or by other equivalent means.
- B. All Mining equipment shall be located behind building setback lines.
- C. Mining equipment shall not exceed 35-feet in vertical height unless totally screened.
- D. All access roads longer than 100-feet used for ingress and egress from the public roadway to the area of mining operations shall be paved to the standard for local roadways and shall be maintained to minimize fugitive dust generated by vehicles.
- E. Any required State Highway Access Permits shall be obtained prior to any mining operation.
- F. Any necessary traffic improvements, identified through any requirement of the Town or County (as appropriate) that is needed for safety and proper circulation shall be constructed. Mining activity traffic will not lower the level of service of the public roadway providing access lower than level of service "B".
- G. All mining activities shall meet applicable air quality standards as set by the Colorado Air Quality Control Commission.
- H. Mining structures and equipment shall be prohibited in the same locations as is outdoor storage. All mining operations shall be at least 200-feet from the property line.
- I. No open pit mine shall be deeper than 200-feet. No reclaimed open pit mine shall be left deeper than 100-feet.
- J. Mining, processing, or transporting operations shall be within the time limits of 6:00 AM to 6:00 PM, except for Sunday when such activity shall be prohibited. Maintenance operations shall not be subject to this provision.
- K. The use of explosives is subject to all State and Federal standards and restricted to a maximum of five days per calendar year.

- L. Mining and all associated activities and uses must meet State of Colorado residential noise standards regarding noise pollution.
- M. All reclaimed slopes shall not exceed 3H:1V. A diverse permanent vegetative cover shall be established on all disturbed areas to achieve erosion control equal to conditions prior to mining. The cover shall be predominantly of native species.
- N. Sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site. Runoff shall not be discharged from the site in quantities or at velocities above those occurring before mining.

#### **18.11 Reservoir Construction**

Open mining operations, crushing and stockpiling are permitted within any land use category for the purpose of creating a reservoir. The standards specified for reservoir construction are the same as those for mining with the exception that there is no depth limitation and the finished grades will be the same as the standards specified by the State of Colorado for reservoirs. Any reservoir must be approved by the Town Engineer.

#### **18.12 Oil and Gas Production**

Oil and gas development shall comply with Chapter 15.48 of the Town Code.

## **19.0 Building Permit Process**

The following information generally describes the building permit process within the Town of Firestone. Please contact the Planning Coordinator for additional information.

### **19.1 Building Permit**

No building permit shall be issued on land within the Town until a FDP and Final Plat as applicable for the development or for any phase, lot, or tract of that development have been approved by the Town Board of Trustees and signed by the Mayor and recorded in the office of the Weld County clerk and recorder.

### **19.2 Certificate of Occupancy**

The Building Official shall issue a Final Certificate of Occupancy for a completed building or structure located in an area covered by the approved or amended FDP or Final plat only if the completed building or structure conforms to the requirements of the approved or amended FDP and all other applicable codes, ordinances, regulations and agreements. Approval of any plan or other document by any Town official, which is in conflict with the approved or amended FDP, shall not constitute a waiver by the Town of any portion of the approved or amended FDP, nor shall the Town be stopped from enforcing any provision or requirement of the approved or amended FDP.